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FOR OFFICIAL USE

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O & M

ESTABLISHMENT MANUAL

VOLUME I

ORGANIZATION AND METHODS UNIT
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT, GOVERNMENT OF WEST PAKISTAN

1964

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NOTE

This is the second publication by the O&M Unit in the year 1964. Two more, *viz.*—

(*i*) Pension Guide ; and

(*ii*) Manual of Service Rules

are under print. A number of other publications, including an O&M Bulletin, are in hand.

2. Constructive suggestions for the improvement of the Manuals already published and for publication of useful material by the O&M Unit will be welcome.

INAYATULLAH
Secretary, S. &. G. A. Deptt.
(O&M Unit)

FOREWORD

1. Government orders issued by the Administrative Departments on subjects of general application are not available at one place for reference purposes and disposal of work in departments/offices is generally held up on account of non-availability of the relevant provisions of rules and orders. Unnecessary work is also created in the Services and General Administration and Finance Departments to whom references are made by the various departments/offices for advice or clarification in cases which are covered by the existing rules, regulations and instructions. Further, apart from disparity in administrative practices which is bound to arise in such circumstances, decisions based on incomplete and out-of-date documents can cause confusion in establishment cases and hardship to the staff concerned.

2. In order to remedy the prevailing situation, the O & M Unit of the Services and General Administration Department has undertaken the compilation of an ESTABLISHMENT MANUAL containing Government orders which promulgate or interpret rules or in which instructions supplementing the Civil Service Regulations are issued from time to time.

3. This is Volume 1 of the Manual in which all Government orders bearing on particular subjects have been included under appropriately classified headings for facility of reference. The publication is printed in loose-leaf form so as to admit of easy insertions/additions of later amendments. It is hoped the compilation will be found useful and will facilitate the work of departments/offices.

4. All rules, regulations and orders included in this Volume are corrected up to 30th June, 1964. It will be for the various departments/offices to keep the publication uptodate by incorporating in it amendments which are made after that date.

5. This Manual can also be used as a text for purposes of training of staff in the Secretariat and the Attached Departments.

M. W. ABBASI,
S.Pk., CSP.,
Chief Secretary to Government,
West Pakistan.

Dated Lahore,
the 15th July, 1964.

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PART I

SECTION 1

(I)

ORGANISATION OF SERVICE CADRES IN THE PROVINCE OF WEST PAKISTAN AND THE ABSORPTION OF EXISTING PERSONNEL THEREIN

I am directed to say that the Report of the Council of Administration for West Pakistan was submitted to the Government of Pakistan and, after mutual consultation, decisions were taken on the various issues involved. They related principally to the formation of Service cadres in West Pakistan, the integration and absorption of the pre-unification Services therein, and the principles which should govern the future recruitment to these Services. Formal orders embodying those decisions have now to be issued, which will also remove certain discrepancies which have come to notice. The principles laid down in the orders below should be kept in view while deciding individual personnel cases, and also for the purpose of framing detailed Classification and Recruitment Rules for these Services.

Formation of Services:—

2. Government have been pleased to decide that Provincial Services (Class I and Class II)—as listed in the Annexure—and the West Pakistan Secretariat (Ministerial) Service shall be constituted on an All-West Pakistan basis. Action should be taken by the Administrative Departments to determine the strength of the cadres of these Services by taking into consideration the total number of posts appertaining to the cadres in the integrated set-up and providing for leave, deputation and training reserves. Service Rules for the Services mentioned in the Annexure should be drawn up by the Administrative Departments in consultation with the Services and General Administration Department, the Finance Department, the Law Department and the West Pakistan Public Service Commission.

3. For other Departments, such as Industries, Labour, Public Relations, Food and Rehabilitation Departments, it has not been considered necessary to constitute Provincial cadres. Recruitment rules for the various posts in these Departments will, however, be framed by the Departments concerned in consultation with the Departments mentioned at the end of the previous paragraph and, wherever necessary, the West Pakistan Public Service Commission.

4. As regards the Subordinate Services, *i.e.*, services other than those mentioned in paragraphs 2 and 3 above, it has been decided that they should, as a rule, be constituted on a district or regional basis. The regions will correspond generally with the jurisdictions of the regional heads including the Commissioners.

5. You should now proceed to determine the extent of the cadres of the Subordinate Services after obtaining the views of the Heads of the Attached Departments concerned and/or the Commissioners, as the case may be, and forward your proposals to the Services and General Administration Department which will ensure consistency of treatment. The strength of the cadres of the Subordinate Services will thereafter be determined by the Departments concerned in consultation with the Finance Department wherever necessary.

Direct Recruitment:—

6. The extent of direct recruitment to the various grades of the Provincial Services is indicated in the Annexure. Direct recruitment will be made on an All West Pakistan basis.

7. The Subordinate Services will be recruited from within the district or the region to which the cadre in question extends.

Integration of the pre-unification Service cadres:—

8. While dealing with this question, Government have kept in view the following broad principles:—

(i) the promotion prospects of existing personnel should be safeguarded as far as possible;

(*ii*) integration should take place at a level which, while protecting the interests of the existing officers, will at the same time ensure that the members of services operating throughout the Province acquire a common outlook and possess the basic field experience to deal effectively with any problems which may arise; and

(*iii*) the change-over should take place as smoothly as possible and any violent dislocation of the existing administrative structure is avoided.

9. It has accordingly been decided that officers who belonged to the Class I and Class II Services of the integrating units immediately before the 14th October, 1955 and who are brought within the All-West Pakistan Services, should be grouped into sub-cadres as indicated below:—

Group A:—Officers belonging to the former Baluchistan and Baluchistan States Union immediately before the 14th October, 1955.

Group B:—Officers belonging to the former Khairpur State, Sind and Karachi immediately before the 14th October, 1955.

Group C:—Officers belonging to the former Punjab and Bahawalpur State immediately before the 14th October, 1955.

Group D:—Officers belonging to the former North-West Frontier Province immediately before the 14th October, 1955.

10. The pre-unification personnel belonging to the Subordinate Services other than the Secretariat and Ministerial Services, who were recruited on a province-wide basis before formation of the Government of West Pakistan, will also be grouped as indicated in the preceding paragraph.

11. Personnel of other Subordinate Services will not be grouped and will be absorbed in the district or regional cadres formed as indicated in paragraph 4 above.

12. All pre-unification officers, who were either permanent or officiating in substantive vacancies, in the corresponding Provincial or equivalent State cadres on the 13th October, 1955, will be placed on the Group Sub-cadres of the West Pakistan Provincial Services. Other officiating officers and those promoted to a Provincial Service after that date, will not be placed in these Group Sub-cadres and will be brought on to the All-West Pakistan cadre of the Service in question.

13. Similarly, only that personnel will be grouped in the Subordinate Services Group cadres referred to in paragraph 10 above, which is substantive or officiating in clear vacancies in the grade in question. The rest will be absorbed in the cadres to be framed under paragraph 4 above.

Seniority:—

14. For the purposes of integration, the seniority of all pre-unification officers will be determined with reference

to the date of continuous appointment, substantive or otherwise, to the grade as defined in paragraph 16 below. In case two officers are bracketed together, owing to their appointments taking effect from the same date, the older officer will be given seniority over the other. The orders in this paragraph are subject to the proviso that the *inter-se* seniority of officers belonging to the same integrating unit will not be altered. Thus if in the former Punjab an officer was placed above another officer with longer continuous officiation in the grade, the former will be placed first on the integrated list with reference to the date of his continuous officiation. The latter officer will be placed immediately below him. The same rule will apply if the former officer had been placed in the Punjab above more than one officer with longer continuous officiation. In that case these officers would go immediately below him in the integrated list as a group and in the same order.

15. The seniority lists for the Group Sub-cadres will also be prepared as indicated in paragraph 14 above.

16. For the purpose of the two preceding paragrpahs, "GRADE" may be defined, broadly, as consisting of a number of posts of the same category in the same class of service, carrying the same duties and responsibilities and in a common scale of pay or, in case of officers belonging to different integrating units, in comparable scales of pay.

17. After the integration, the seniority of new entrants to the Services will be determined in accordance with the following formula:—

(*a*) the seniority *inter-se* of the direct recruits will be determined on merit on the basis of the result of the competitive examination, or, where there is no such examination, by the order of merit determined by the Public Service Commission or, in other cases, the appointing authority. Where direct recruits after appointment are trained at a training institution, the seniority will be determined on the above basis taken together with the result of the examination held on completion of the training.

(*b*) the seniority *inter-se* of promoted officers will be determined with reference to the dates of their substantive appointment in the quota reserved for promotion. If the promotion of two officers takes effect from the same date, their seniority will be determined in the order of merit assigned to them by

the Public Service Commission. In case two officers are bracketed together in the order of merit, and their appointment also takes effect from the same date, the older officer will be given seniority over the other.

(c) the seniority of direct recruits *vis-a-vis* promoted officers wil be regulated with reference to their respective dates of appointment to the service. This date in the case of direct recruits will be the date of appointment on probation or otherwise. In the case of promoted officers, it will be the date of substantive appointment.

Promotion:—

18. Any vacancy arising in a post included in the cadre of Provincial Services, which existed immediately before the 14th October, 1955, and is not to be filled by direct recruitment, shall be filled by promotion of an officer in the next lower cadre within the Group.

19. In determining whether a group vacancy is to be filled by direct recruitment or by promotion, so far as the pre-unification officers are concerned the percentages of promotion vacancies which obtained in the Group in question immediately before the 14th October, 1955, and not the percentages now prescribed under paragraph 6 above, will be taken into consideration. The latter percentages will become operative in the case of such vacancies after all pre-unification officers in the Group Sub-cadres suitable for promotion have been promoted.

20. Any new posts created after the 13th October, 1955, in the Provincial Services will be filled by direct recruitment or promotion on an All-West Pakistan basis. In respect of such posts, the percentages of direct recruitment as laid down in paragraph 6 above will apply.

21. Notwithstanding anything contained in paragraphs 18 and 19, promotion to the posts indicated in column 3 of the Annexure or higher posts will be made on an All-West Pakistan basis.

(S&GA Dept letter
No. 871-Integ.-55/4471,
dated 25-11-55)

ANNEXURE

(Paragraphs 2, 6 and 21)

Services	Extent of Direct Recruitment	Posts for which and above which recruitment will be made on an All West Pakistan basis for pre-unification officers.
1	2	3
1. WEST PAKISTAN CIVIL SERVICE (EXECUTIVE BRANCH)	50%	Commissioner.
2. WEST PAKISTAN CIVIL SERVICE (JUDICIAL BRANCH)	100%	District and Sessions Judge Selection Grade.
3. WEST PAKISTAN POLICE SERVICE	50%	Deputy Inspector General of Police.
4. WEST PAKISTAN ENGINEERING SERVICE (IRRIGATION BRANCH)		
CLASS I—JUNIOR SCALE ..	100%	
CLASS I—SENIOR SCALE ..	Promotions to these posts will be made from Junior Class I and Class II Officers on a 50 : 50 basis.	Deputy Chief Engineer
CLASS II	75%	
5. WEST PAKISTAN ENGINEERING SERVICE (ELECTRICITY BRANCH)	As in the case of the Irrigation Branch.	
6. WEST PAKISTAN ENGINEERING SERVICE (BUILDINGS AND ROADS BRANCH)		
7. WEST PAKISTAN EDUCATIONAL SERVICE:		
CLASS I—ADMINISTRATIVE BRANCH	50%	
CLASS I—COLLEGIATE BRANCH ..	50%	
WEST PAKISTAN EDUCATIONAL SERVICE:		Director of Education
CLASS II—ADMINISTRATIVE BRANCH	*Nil*	
CLASS II—COLLEGIATE BRANCH ..	100 per cent of the Junior Lecturers' posts.	

Services	Extent of Direct Recruitment	Posts for which and above which recruitment will be made on an All West Pakistan basis for pre-unification officers.
1	2	3
8. WEST PAKISTAN HEALTH AND MEDICAL SERVICES:		Deputy Director
CLASS I	50% of the Medical Superintendents' and Specialists' posts only and all vacancies on the teaching side.	
WEST PAKISTAN HEALTH AND MEDICAL SERVICES:		
CLASS II	90%	
9. WEST PAKISTAN PRISONS SERVICE:		Deputy Inspector-General of Prisons
CLASS I	25%	
WEST PAKISTAN PRISONS SERVICE:		
CLASS II	50%	
10. WEST PAKISTAN AGRICULTURAL SERVICE:		Deputy Director
CLASS I	25%	
WEST PAKISTAN AGRICULTURAL SERVICE:		
CLASS II	50%	
11. WEST PAKISTAN CO-OPERATIVE SERVICE:		Deputy Registrar
CLASS I	*Nil*	
WEST PAKISTAN CO-OPERATIVE SERVICE:		
CLASS II	50%	

Services	Extent of Direct Recruitment	Posts for which and above which recruitment will be made on an All West Pakistan basis for pre-unification officers.
1	2	3
12. WEST PAKISTAN FOREST SERVICE:		Conservator
CLASS I	75%	
WEST PAKISTAN FOREST SERVICE:		
CLASS II	Not exceeding 33⅓%	
13. WEST PAKISTAN EXCISE AND TAXATION SERVICE:		Deputy Director
CLASS I	*Nil*	
WEST PAKISTAN EXCISE AND TAXATION SERVICE		
CLASS II	33⅓%	
14. WEST PAKISTAN ANIMAL HUSBANDRY SERVICE:		Deputy Director
CLASS I	Direct recruitment only to Specialists' posts, if necessary.	
CLASS II	50%	

(2)

RETENTION OF LIENS OF THE PERMANENT GOVERNMENT SERVANTS WHO WERE APPOINTED AGAINST TEMPORARY POSTS AFTER INTEGRATION

I am directed to address you on the subject noted above and to say that it has been noticed that a large number of permanent pre-integration Government servants have been appointed against temporary posts without having any lien on permanent posts. Due to the abolition of certain posts or reduction in the strength of a cadre, many substantive Government servants have been left without lien. This is an undesirable position which has to be corrected. The case of each permanent Government servant of the Integration units who has not so far been provided with a lien should, therefore, be taken up immediately and dealt with on merits. It may be possible to absorb a majority of such Government servants against existing permanent posts; but where it is not possible, I am to request that early action may be taken in this behalf in direct consultation with the Finance Department under intimation to this Department.

(S&GA Dept letter
No. Integ.-5/8-58.
dated 20-5-58).

(3)

I am directed to refer to Para 3 of the Services and General Administration Department Circular letter No. 871-Integ: 55/4471, dated the 25th November, 1955, on the subject noted above, and to say that Government has decided that there shoud be regular separate Services on Provincial basis for all Departments of the Government of West Pakistan including temporary Departments. You are, therefore, requested to take up also the question of creation of separate Services on Provincial basis with the Finance Department in the case of Services/Departments other than those mentioned in the Annexure to the Services and General Administration Department circular letter referred to above. It will, however, not be necessary to frame Service Rules where the number of posts on a cadre is too small. In such cases Recruitment Rules for the various posts should be framed.

2. It has also been decided that Group sub-cadres for these Services/Departments should not be formed. The Services and General Administration Department circular letter, No. 5/18-58, dated the 6th August, 1958, is, therefore, cancelled.

(S&GA Dept letter
No. Integ. 16/4-58,
dated 24-3-59).

... [illegible] to take in future in the Services and Contributions [illegible] Government [illegible] No. [illegible] dated the [illegible] 1925, [illegible] should be considered [illegible] of [illegible] Government of [illegible] including [illegible] Government. You are, [illegible] requested to [illegible] the services [illegible] in the case of [illegible] requirements [illegible] in [illegible] the [illegible] Services [illegible] in such cases [illegible] for the [illegible] should be [illegible].

[illegible] the [illegible] decided that [illegible] Government should not be [illegible]. The [illegible] Government [illegible] No. [illegible] 1858, dated the 5th [illegible] 1925 [illegible] the [illegible] withdrawn.

(NACA Dept [illegible]
[illegible] No. [illegible]
[illegible] 25-2-20.)

(4)

I am directed to refer to paragraphs 18 to 21 of the Services and General Administration Department circular letter No. 817-Integ-55/4471, dated the 25th November 1955, which contains the procedure to be followed in making promotions to the group vacancies and posts that are to be filled on all West Pakistan basis and to say that a question has arisen as to the policy which should be followed in cases where promotions are made to selection grades of various Services. After careful consideration, it has been decided to issue the following instructions, which should be kept in view while dealing with cases of promotions to selection grades.

2. There can be three types of such cases—

(a) Services, which had selection grade posts prior to integration in respect of which no selection grade posts have been sanctioned by the West Pakistan Government for the integrated services with revised scales;

(b) Services, which did not have any selection grade posts in the per-integration cadres but for which selection grade posts have been sanctioned by the West Pakistan Government after integration; and

(c) Services, which had selection grade posts before integration and in respect of which selection grade posts have been sanctioned by the West Pakistan Government for the integrated services.

3. Regarding (a) above, promotion to the selection grade posts should continue to be made from among those who have opted for the existing/old scales, on the basis of pre-integration unit cadre.

4. As regards (b) above, it has been decided that selection grade posts should be filled from among the officers opting for the scales prescribed by the West Pakistan Government, on the basis of the West Pakistan integrated cadre.

5. In so for as (c) above is concerned, the matter is under the consideration of Government and orders in this behalf will be issued in due course.

6. It is pointed out that the grant of selection grade either on the basis of the Group Sub-cadre in the existing/old scales or on the basis of integrated seniority/cadre will not affect *inter-se* seniority merely for the reason that selection grade has been allowed to an officer.

(S&GA Dept letter
No. Integ.-16/9-58,
dated 8-1-60)

[illegible] Directed to refer to paragraph [illegible] of the [illegible] and General [illegible] Government [illegible]

[illegible]

[illegible] have been recommended by the [illegible]

[illegible] in the [illegible]

[illegible] have been recommended by the [illegible] Government [illegible]

[illegible] would have been recommended by the [illegible] for the [illegible]

[illegible] construction until orders.

[illegible] with reference to above, it has been decided that [illegible]

[illegible]

[illegible] will be [illegible] in due course.

[illegible] has been [illegible] to the [illegible]

PLEASE refer to Services and General Administration Department letter No. 871-Integ-55/4471, dated 25th November 1955, on the subject noted above.

2. The question of filling of pre-integration promotion posts, when the group sub-cadre from which promotion is to be made is exhausted, was considered in the Secretaries' Committee on the 28th June 1960, and it was decided as under:--

(*i*) As laid down in paragraph 12 of above-mentioned Services and General Administration Department letter, only those pre-unification officers are entitled to be included in a group sub-cadre and to be promoted on group sub-cadre basis, who were either confirmed or were officiating against substantive vacancies on the 13th October 1955. The officers who were not officiating against substantive vacancies on the aforesaid date and were confirmed in service after integration will be on the all West Pakistan cadre and they are not entitled to promotion to the next higher rank on group sub- cadre basis; and

(*ii*) when a group sub-cadre is exhausted, pre-integration promotion posts should be filled on all West Pakistan basis.

3. Group sub-cadre seniority lists and the integrated seniority lists should where necessary, be revised and decisions in promotion cases taken, in accordance with the principles stated above.

(S&GA Dept Memo
No. Integ.-16/8-60,
dated 19-8-60)

(6)

A question has arisen whether a pre-integrated posts which has been upgraded, should be filled in on all West Pakistan basis under para 20 or from the Group sub-cadre under para 18 of the S. & G.A.D. circular letter No. 871-Integ: 55/4471, dated 25th November, 1955.

The correct position is that where a post is upgraded, it ceases to eixst as such and in its place a new post is created. This interpretation will, however, not in any way adversely affect the guarantees given to the integrating units as their right of promotion to the number of the posts in a class (out of which one or more may later on be upgraded and consequently abolished) will remain un-affected. This for instance, if within a number of Class II posts, there are four posts which are protected in terms of the Integration guarantees and one of these posts is upgraded to Class I, then the promotion right of the p e-integration cadre of that integrating unit will continue to be protected to the extent of four.

(S&GA Dept letter
No. Integ.-5/18-59,
dated 23-11-61).

(7)

REORGANIZATION OF SERVICES AND DECENTRALIZATION OF ADMINISTRATIVE CONTROL

I am directed to refer to this Department's U.O. No. 5/PR/62, letter No. 6/PR/62 dated the 8th January 1962, regarding the "Officers and Staff in the existing set-up" and to invite attention to the recommendations made in paragraphs 4 and 5 of Chapter IV of the Report of the Provincial Re-organization Committee, in respect of the creation of regional sub-cadres within the existing provincial cadres, which have been accepted by Government in their entirety. Necessary action for the re-organization of various Departments (Secretariat and Regional Offices) is being taken and orders will be issued in a couple of days. While revised sanctions for gazetted and non-gazetted posts in the Secretariat and Regional Offices and appointments to all posts in the Secretariat and to gazetted posts in the new Regional Offices will be made by the Services and General Administration Department, appointments to non-gazetted posts in the Regional Offices will be made by the Heads of the Departments concerned, subject to the following conditions:—

(*i*) In cases where there is an excess of posts in any grade for which staff is not available from amongst the existing personnel, the posts will not be filled either by direct recruitment or by promotion, but the vacancies will be reported to the Services and General Administration Department.

(*ii*) Where the staff available is in excess of the sanctioned number of posts, full particulars of the surplus staff will be made available immediately to the Services and General Administration Department.

2. The question of the creation of regional sub-cadres should, however, be examined simultaneously with the creation of new posts and appointments thereto. While the actual strength of each sub-cadre can be determined in due course, it is necessary that this decision should be kept in view while filling up posts which will now be available in the various regional offices. For this purpose, the existing personnel should be required to give their preference for initial allotment to posts located in the various regions which will

eventually constitute the regional sub-cadres. To facilitate the process of absorption of staff, two preferences should be obtained in each case, which may be considered at the time of filling the available posts.

3. I am to request that necessary information in this respect should also please be obtained and furnished along with that already asked for in the *pro-forma* prescribed in the communication under reference.

(S&GA Dept letter
No. 3(1)62/PR-IC,
dated 17-1-62.

PROFORMA

———— DEPARTMENT

Name	Post held	Date of continuous appointment in the present grade	Class of post	Scale of pay	Service of origin	Unit of origin (in the case of pre-integration Staff)	Home District
1	2	3	4	5	6	7	8

(8)

REORGANIZATION OF SERVICES AND DECENTRALIZATION OF THEIR ADMINISTRATIVE CONTROL—FORMATION OF SERVICE CADRES IN THE LIGHT OF THE ACCEPTED RECOMMENDATIONS OF THE PROVINCIAL REORGANIZATION COMMITTEE

With reference to this Department's letter No. 3(1)/62-PR-IC, dated the 17th January, 1962, on the above subject, I am directed to request that now that financial sanctions in respect of the reorganization of the Secretariat and Attached Departments/Regional/Divisional Offices of various Departments in categories 'B' & 'C' have been issued and postings of officers/staff in the new set-up completed, you may now kindly proceed to finalise the strength etc. of :—

(a) the service cadres in the various categories of posts in Class I and P.C.S. (Executive and Judicial). No sub-cadres in respect of these posts are to be created;

(b) the Cadres/Regional Sub-Cadres and the category of posts in Class II Services.

(c) the Regional/Divisional/District Cadres and the various cadres of posts in Class III and IV Services,

in the light of the recommendations made in paragraphs 2 and 4 of Chapter IV of the Provincial Re-organization Committee's Report and to *forward by the 30th September*, 1962, *at the latest*, lists showing the particulars, e.g., designations, classification and number of posts in each cadre/sub-cadre in respect of the services/posts with which you are concerned.

2. Administrative Departments are also requested to take necessary steps for notifying in the gazette the classification of different categories of posts in all the cardres, in consultation with the Finance Department/ Regulations Wing of the Services and General Administration Deptt. and to make provision in or revise the relevant Service Rules accordingly, under intimation to this Wing, where this has not already been done.

3. I am to request that the receipt of this letter may kindly be acknowledged.

(S&GA Dept letter
No. 3/1/62-AR,
dated 5-7-62)

[illegible]

[illegible]

(9)

RECRUITMENT TO GOVERNMENT SERVICES

I am directed to say that the Provincial Government are framing Service/Recruitment Rules of all Services and posts under the rule-making powers of the Governor of West Pakistan, keeping in view the recommendations of the Administrative Reorganization Commission and the Provincial Re-organization Committee. More than half of the Service Rules have been notified and it is hoped that the remaining sets will be finalized within a few months. In order to have a uniform policy in all Services, it has been decided that the basic principles which are being incorporated in all Service Rules should be given immediate effect by executive instructions in the case of services and posts for which Service/Recruitment Rules have not been notified so far. I am accordingly to request that the following instructions should be observed during the transitional period in making recruitment to any specified service or group of posts till Service/Recruitment Rules for such service or group of posts are notified:—

(1) Appointments to Class I Services and posts shall be made by Government.

(2) Appointments to Class II Services and posts shall be made—

(*a*) in the case of Departments specified in Appendix A, by the Head of the Attached Department concerned, and

(*b*) in the case of Departments specified in Appendices 'B' and 'C' by Government;

Provided that officiating promotion for a period not exceeding six months may be made—

(*i*) in the case of Departments specified in Appendix 'B' by the Regional Head concerned; and

(*ii*) in the case of the Departments specified in Appendix 'C', by the Commissioner of the Division concerned.

(3) Appointments to Classes III and IV Services and posts shall be made by the Regional/Divisional or District Heads of the Departments concerned, or

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other authority empowered by Government in this behalf, in accordance with the Delegation of Powers Rules pertaining to the Department concerned,

Provided that—

(*i*) appointments by initial recruitment to the posts carrying a minimum salary of Rs. 150 per mensem, and

(*ii*) appointments by promotion to posts carrying a minimum salary of Rs. 250 per mensem, shall be made—

(*a*) in the case of posts in the West Pakistan Secretariat or in the office of the Head of an Attached Department, on the recommendation of the Provincial Selection Board; and

(*b*) in any other case, on the recommendation of the appropriate Divisional Selection Board.

(4) Twenty per cent of the vacancies to be filled by initial recruitment in Class I and Class II Services (including the Provincial Civil Service (Executive Branch) and unclassified Gazetted Posts) shall be filled on merit on the recommendation of the Public Service Commission from among candidates domiciled in any part of West Pakistan and the remaining eighty per cent of vacancies in such services and posts shall be reserved for *bona fide* residents of the zones specified in column 2 of Appendix 'D' in proportion to their population according to the census figures as intimated in this Department's circular letter No. S.O. XIX-3(6)/62, dated the 12th October 1962; provided that if no suitable candidate is available from the Zone to which a vacancy has been allocated, the vacancy may be filled on merit on West Pakistan basis.

(5) Vacancies in Class I Services including the Provincial Civil Service (Executive Branch) and Class I Posts to be filled by promotion shall be reserved for the corresponding Class II regional sub-cadres in proportion to the strength of each sub-cadre.

(6) Vacancies in the regional sub-cadres of Class II Services and posts to be filled by promotion shall be filled from among corresponding Class III officers of the Region where the vacancies occur.

(7) Promotion from Class III to Class II Services and posts and from Class II to Class I Services and posts shall be made by selection on merit from among those qualified for promotion with particular reference to their fitness for higher responsibilities.

(8) Ten per cent of the vacancies in Class III Services to be filled by promotion shall form a merit quota and shall be filled by selection from among those qualified for promotion who—

(*i*) have an outstanding record;

(*ii*) are below thirty-two years of age; and

(*iii*) possess sound health.

2. The West Pakistan Government's circular letter No. 871-Integ-55/4471, dated the 25th November, 1955, in so far as it is inconsistent with this circular, shall be deemed to be superseded.

3. These instructions are intended to cover only the interim period till the remaining Service/Recruitment Rules have ben notified. As soon as the Service/Recruitment Rules for any particular Service or group of posts have been notified, these instructions shall cease to be operative in respect of such Service or posts.

(S&GA Dept letter
No. SOXIX-Misc.-1/62,
dated 16-4-63)

APPENDIX 'A'

[*See paragraph* 1(2)(*a*)]

ATTACHED DEPARTMENTS

1. Advocate-General.
2. Anti-Corruption Department.
3. Auqaf Department.
4. Board of Revenue.
5. Civil Defence Department.
6. Fisheries Department.
7. Game Department.
8. Industries Department.
9. Labour Department.
10. Police Department.
11. Printing and Stationery Department.
12. Public Health Engineering Department.
13. Public Relations Department.
14. Public Service Commission.
15. West Pakistan Rangers.

APPENDIX 'B'

[*See paragraph* 1 (2) (*b*)]

DEPARTMENTS WITH REGIONAL HEADS OF OFFICES

1. Agriculture Department.
2. Animal Husbandary Department.
3. Co-operation Department.
4. Education Department.
5. Electrical Inspectorate.
6. Food Department.
7. Forest Department.

8. Health Department.

9. Irrigation Department.

10. Prisons Department.

11. Public Works Department—Buildings and Roads.

12. Town Planning Department.

APPENDIX 'C'

[*See paragraph* 1 (2) (*b*) and (*b*) (*ii*)]

1. Excise and Taxation Department.

2. Reclamation and Probation Department.

APPENDIX 'D'

[*See paragraph* (1) (4)]

ZONES

1. Peshawar and Dera Ismail Khan Divisions, excluding the Tribal Areas.

2. Tribal Areas of former North-West Frontier Province, including the Frontier States.

3. Rawalpindi, Lahore, Sargodha, Multan and Bahawalpur Divisions.

4. Khairpur and Hyderabad Divisions.

5. Karachi Division, excluding Lasbela District.

6. Quetta and Kalat Divisions and Lasbela District.

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(10)

RECRUITMENT TO GOVERNMENT SERVICES

I am directed to refer to paragraph 1 (5) of the Services and General Administration Department's circular No. SOXIX-Misc. 1/62, dated the 16th April, 1963, in which it was laid down that vacancies in Class I including the Provincial Civil Service (Executive Branch) to be filled by promotion, shall be reserved for the corresponding Class II regional sub-cadres in proportion to the strength of each sub cadre. There are practical difficulties in the application of this principle to $6\frac{1}{4}$ promotion vacancies in P.C.S. (Executive Branch) reserved for the Ministerial Services. Government has, therefore, decided that the formula of regional representation should not be applied to such vacancies. A similar provision is being made in the relevant Services Rules. I am to request that this exception may be given immediate effect.

S&GA Dept letter
No. SOXVIII-Misc. 1/62,
dated 16-5-1964)

PART I

SECTION 2

(I)

WEST PAKISTAN DEPUTY SECRETARIES RECRUITMENT RULES, 1963

In exercise of the powers conferred by clause (2) of Article 178 of the Constitution of the Republic of Pakistan, the Governor of West Pakistan is pleased to make the following rules regulating recruitment to the posts of Deputy Secretaries in the West Pakistan Secretariat, other than the reserved posts, and prescribing conditions of services for the persons appointed thereto, namely:—

THE WEST PAKISTAN DEPUTY SECRETARIES RECRUITMENT RULES, 1963.

PART I—GENERAL

1. *Short title and commencement* (*i*)—These rules may be called the West Pakistan Deputy Secretaries Recruitment Rules, 1963.

(ii) They shall come into force at once.

(iii) They shall apply to all posts of Deputy Secretaries in the West Pakistan Secretariat other than the reserved posts referred to in rule 3.

2. *Definitions*—In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

(a) "appointing authority" means the authority specified in rule 4;

(b) "Commission" means the West Pakistan Public Service Commission;

(c) "Government" means the Government of West Pakistan;

(d) "Post" means a post of Deputy Secretary in the West Pakistan Secretariat to which these rules are applicable; and

(e) "recognised University" means any University incorporated by law in Pakistan or any other University declared by Government in consultation with the Commission to be a recognised University for the purposes of these rules.

PART II—RECRUITMENT

3. *Number of posts*—One third of the total number of posts of Deputy Secretaries in the West Pakistan Secretariat shall be filled in accordance with these rules, and the remaining such posts shall be reserved for members of the C.S.P., P.C.S. and G.A.R.

4. *Appointing Authority*—Appointments to the posts shall be made by Government.

5. *Method of recruitment*—Fifty per cent of the posts shall be filled by selection on merit with particular reference to their fitness for higher responsibilities from among members of the West Pakistan Secretariat (Section Officers) Service and the remaining posts shall be filled by transfer of suitable Officers from any Department of Government.

6. *Tenure*—Appointment to the posts by transfer shall be made on tenure basis, and on completion of his tenure, the holder of the post shall revert to his parent Department.

7. *Qualifications.*—No person shall be appointed to a post by transfer unless he possesses a degree from a recognised University and has at least eight years service in a Class II or equivalent or higher post.

PART III—CONDITIONS OF SERVICE

8. *Probation*—(1) A person appointed to a post against a substantive vacancy, otherwise than by transfer, shall remain on probation for a period of one year.

Explanation—Officiating service and service spent on deputation to a corresponding or a higher position may be allowed to count towards the period of probation.

(2) If the work or conduct of a holder of a post during the period of probation has been unsatisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, revert him to his former position and if there be no such position, dispense with his services.

(3) On completion of the period of probation by the holder of a post, the appointing authority may, subject to the

provisions of sub-rule (4) confirm him in his appointment or if his work or conduct has, in the opinion of such authority, not been satisfactory:—

(a) revert him to his former position and if there be no such position, dispense with his services; or

(b) extend the period of probation by a period not exceeding two years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation I—If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

Explanation II—If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

(4) No person shall be confirmed in a post unless he successfully completes such training and passes such departmental examinations as may be prescribed by Government from time to time.

(5) If the holder of a post fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (4), within such period or in such number of attempts as may be prescribed by Government, the appointing authority may revert him to his former position, and if there be no such position, dispense with his services.

9. *Seniority*—The seniority inter-se of the holders of posts appointed otherwise than by transfer shall be determined with reference to the dates of their continuous appointment therein; provided that if the date of continuous appointment in the case of two or more Officers is the same, the older officer, if not junior to the younger officer or officers in the next below grade shall rank senior to the younger officer or officers.

Explanation I—If a junior officer in a lower grade is promoted to a higher grade temporarily in the public interest, even though continuing later permanently in the higher grade,

it would not adversely affect the interest of his seniors in the fixation of his seniority in the higher grade.

Explanation II—If a junior officer in a lower grade is promoted to a higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently.

Explanation III—A junior officer to a higher grade shall be deemed to have superseded a senior officer only if both the junior and the senior officers were considered for the higher grade and the junior officer was appointed in preference to the senior officer.

10. *Liability to transfer and serve*—Holders of posts shall be liable to—

(a) transfer anywhere in West Pakistan; and

(b) serve in any department of Government or any local authority or statutory body set up or established by Government.

11. *General Rules*—In all matters not expressly provided for in these rules, holders of posts shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

12. *Delegation*—Government may delegate all or any of its powers under these rules to any officer subordinate to it.

13. *Powers of Governor to safeguard rights of Government Servants*—Whenever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of the Province of West Pakistan, as guaranteed by any law for the time being in force, are likely to be adversely affected, the Governor of West Pakistan shall make appropriate orders to safeguard the constitutional and legal rights of such person.

(S&GA Dept Notification
No. SOXIX—1—12/57,
dated 1-1-63)

(2)

WEST PAKISTAN SECRETARIAT (SECTION OFFICERS) SERVICE RULES, 1962

In pursuance of the Presidential Proclamation of the Seventh day of October 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make the following rules regulating recruitment to the West Pakistan Secretariat (Section Officers) Service and prescribing conditions of service for the persons appointed thereto namely: —

THE WEST PAKISTAN SECRETARIAT (SECTION OFFICERS) SERVICE RULES, 1962

PART I—GENERAL

1. *Short title, commencement and application*—(1) These rules may be called the West Pakistan Secretariat (Section Officers) Service Rules, 1962.

2. They shall come into force at once.

2. *Definitions*—In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say--

(a) "appointing authority" means the authority specified in rule 4;

(b) "Commission" means the West Pakistan Public Service Commission;

(c) "Government" means the Government of West Pakistan;

(d) "Governor" means the Governor of West Pakistan;

(e) "Initial recruitment" means appointment made otherwise than by promotion or transfer from another Service/Department/Post;

(f) "recognised University" means any University incorporated by law in Pakistan or any other University (which may be) declared by Government

in consultation with the Commission to be a recognised University for the purposes of these rules;

(g) "Scheduled Castes" means the castes, races or tribes, or parts or groups within castes, races or tribes, declared to be scheduled cases under any law in force in West Pakistan or so declared by Government for the purposes of these rules;

(h) "Secretariat" means the West Pakistan Government Secretariat;

(i) "Service" means the West Pakistan Secretariat (Section Officers) Service;

(j) "Under-developed Areas" means Quetta and Kalat Divisions, Lasbela district of Karachi Division, the special Areas of Dera Iemail Khan and Peshawar Divisions, and such other areas as Government may declare to be under-developed areas for the purposes of these rules.

PART II—RECRUITMENT

3. *Number and nature of posts*—The service shall comprise two-thirds of the total number of posts of Section Officers in the Secretariat.

4. *Appointing Authority*—Appointments to the Service shall be made by the Governor or an authority or officer authorised by him in this behalf.

5. *Method of recruitment*—(1) Recruitment to the Service shall be made as follows—

(a) Fifty per cent of the vacancies shall be filled by initial recruitment based on the result of a competitive examination held by the Commission.

(b) The remaining fifty per cent of the vacancies shall be filled by selection on merit with due regard to seniority from among the Superintendents of the West Pakistan Secretariat (Ministerial) Service, or if no such Superintendents are considered suitable for appointment to the service from amongst the Assistants of the West Pakistan Secretariat (Ministerial) Service.

(2) Vacancies to be filled by initial recruitment shall be filled in the following manner:—

(i) twenty per cent of such vacancies shall be filled on merit from among candidates domiciled in any part of West Pakistan;* provided that Government may, from time to time, by notification in the official Gazette, increase the percentage of the vacancies to be filled under this clause; and

*including the territory of Azad Kashmir Notification No: SOXVIII-2-58/64 of 7-2-66

(ii) the remaining such vacancies shall be reserved for *bona fide* residents of the Zones specified in column 2 of the Table below in proportion to their population according to the census figures; provided that if no suitable candidate is available from the Zone to which a vacancy is allocated under this clause, the vacancy may be filled in the manner provided in clause (i).

TABLE

Serial No.	Zone
1	2
1.	Peshawar and Dera Ismail Khan Divisions excluding Tribal Areas.
2.	Tribal Areas of Former N.W.F.P. including Frontier States.
3.	Rawalpindi, Lahore, Sargodha, Multan and Bahawalpur Divisions.
4.	Khairpur and Hyderabad Divisions.
5.	Karachi Division excluding Lasbela district.
6.	Quetta and Kalat Divisions and Lasbela district.

Note.—The zones have been re-constituted *vide* Part II, Section 1, item (5).

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(3) Not withstanding any thing contained in sub-rule (1), for a period of two years from the coming into force of these rules, such number of posts in the Service may be filled by the appointing authority from officers on deputation from any other Service or any Department of the Central Government or the Government of West Pakistan, save the West Pakistan Secretariat (Ministrial) Service, as the appointing authority may determine.

Provided that officers so appointed shall not be deemed to be members of the service.

6. *Age*—No person shall be appointed to the service by initial recruitment who is less than eighteen years or more than twenty-five years of age:

Provided that:—

(i) for a period of ten years from the commencement of these rules, the upper age limit in the case of candidates from Scheduled Castes and Under Developed Areas shall be twenty-eight years; and

(ii) in the case of persons whose services under Government have been terminated for want of a vacancy, the period of service already rendered by them shall, for the purpose of the upper age limit under this rule, be excluded from their age.

7. *Qualifications*—(1) No person shall be appointed to the service by initial recruitment unless he is a graduate of a recognised University.

(2) No person, not already in Government service, shall be appointed to the service unless he produces a certificate of character from the Principal Academic Officer of the Academic Institution last attended, and also certificates of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

PART III—CONDITIONS OF SERVICE

8. *Probation*—(1) Members of the service appointed against substantive vacancies shall remain on probation for

a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise.

Explanation—Officiating service and any period of Service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If the work or conduct of a member of the service during the period of probation has, in the opinion of the appointing authority, not been satisfactory, the appointing authority may, not withstanding that the period of probation has not expired, dispense with his services, if he has been appointed by intial recuitment, and if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services.

(3) On completion of the period of probation of a member of the service, the appointing authority may, subject to the provisions of sub-rule (4), either confirm him in his appointment, or if his work or conduct has, in the opinion of the oppointing authority, not been satisfactory—

(a) in case he has been appointed by initial recruitment, dispense with his services; or

(b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services; or

(c) extend the period of his probation by a period not exceeding two years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation I—If no orders have been made by the day following the completion of the intial probationary period, the period of probation shall be deemed to have been extended.

Explanation II—If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended,

(4) No person shall be confirmed in the service unless he successfully completes such training and passes such departmental examinations as may be prescribed by Government from time to time.

(5) If a member of the service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (4), within such period or in such number of attempts as may be prescribed by Government, the appointing authority may—

(a) in case he has been appointed by initial recruitment, dispense with his services; or

(b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services.

9. *Seniority*—(1) The seniority *inter se* of the members of the service in the various grades thereof shall be determined—

(a) in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Commission; provided that a person selected for appointment to the Service in an earlier selection will rank senior to a person selected in a later selection; and

(b) in the case of members appointed otherwise, with reference to the dates of their continuous appointmet therein; provided that if the date of continuous appointment in respect of two or more officers is the same, the older officer, if not junior to the younger officer or officers in the next below grade, shall rank senior to the younger officer or officers.

Explanation I—If a junior officer in a lower grade is promoted to the higher grade temporarily in the public interest even though continuing later permanently in the higher grade, it would not adversely affect the interest of his seniors in the fixation of his seniority in that grade.

Explanation II—If a junior officer in a lower grade is promoted to a higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently.

(2) The seniority of the members of the Service appointed by initial recruitment *vis-a-vis* those appointed otherwise shall be determined—

(a) in case both the officers appointed by initial recruitment and those appointed otherwise have been appointed against substantive vacancies or both have been appointed against temporary vacancies, with reference to the date of appointment to such vacancy in the case of an officer appointed by intial recruitment and to the date of continuous appointment against such vacancy in the case of an officer appointed otherwise, provided that if the two dates are the same the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment.

(b) in case the officer appointed by initial recruitment has been appointed against a substantive vacancy and the officer appointed otherwise has been appointed against a temporary vacancy, the officer appointed by initial recruitment shall rank senior to the officer appointed otherwise, and

(c) in case the officer appointed otherwise is appointed against a substantive vacancy and the officer appointed by initial recruitment is appointed against a temporary vacancy, the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment.

10. *Liability to transfer*—Members of the Service shall be liable:—

(a) to transfer anywhere in West Pakistan, and

(b) to serve in any Department of Government or any local authority or other statutory body set up or established by Government.

11. *General Rules*—In matters not expressly provided for in these rules, members of the Service shall be governed by such rules as have been or may hereafter be framed by Government and made applicable to them.

12. *Relaxation*—Any of these rules may for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rule would cause undue hardship to the individual concerned:

Provided that whenever such relaxation involves a question on which consultation with the Commission is mandatory, the Commission shall be consulted before the relaxation is made.

13. *Delegation*—Government may delegate all or any of the powers under these rules to any officer subordinate to it.

14. *Power of Governor to safeguard rights of Government Servants*—Whenever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of the Province of West Pakistan, as guaranteed by any law for the time being in force, are likely to be adversely affected, the Governor of West Pakistan shall make appropriate orders to safeguard the constitutional and legal rights of such member.

(S&GA Dept Notification
No. SO XIX-1-89/59,
dated 6-4-62)

(3)

WEST PAKISTAN SECRETARIAT MINISTERIAL SERVICE RULES, 1963

In exercise of the powers conferred by clause (2) of Article 178 of the Constitution of the Republic of Pakistan, the Governor of West Pakistan is pleased to make the following rules regulating recruitment to the West Pakistan, Secretariat Ministerial Service and prescribing conditions of service for the persons appointed thereto, namely:—

THE WEST PAKISTAN SECRETARIAT MINISTERIAL SERVICE RULES, 1963.

PART I—GENERAL

1. *Short title and commencement*—(1) These rules may be called the West Pakistan Secrtariat Ministerial Service Rules, 1963.

(2) They shall come into force at once.

2. *Definitions*—In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

(a) "appointing authority" means the authority specified in rule 4;

(b) "Board" means a Board of Secondary Education established by law in Pakistan or any other educational authority or institution declared by Government in consultation with the Commission to be a Board for the purposes of these rules;

(c) "Chief Secretary" means the Chief Secretary to Government;

(d) "Commission" means the West Pakistan Public Service Commission;

(e) "Government" means the Government of West Pakistan;

(f) "initial recruitment" means appointment made otherwise than by promotion or transfer from another Service/Department/Post;

(g) "recognised University" means any University incorporated by law in Pakistan or any other University declared by Government in consultation with the Commission to be a recognised University for the purposes of these rules;

(h) "Scheduled Castes" means the castes, races or tribes, or parts or groups within castes, races or tribes, declared to be scheduled castes under any law in force in West Pakistan, or so declared by Government for the purposes of these rules;

(i) "Selection Board" means the Selection Board for West Pakistan Secretariat constituted under Government of West Pakistan Notification No. F-3(4)/60/AR/S&GAD, dated 10th December, 1960;

(j) "Service" means the West Pakistan Secretariat Ministerial Service; and

(k) "Under-Developed Areas" means Quetta and Kalat Divisions, Lasbella District of Karachi Division, the Tribal Areas of Dera Ismail Khan and Peshawar Divisions, and such other areas as Government may declare to be under-developed areas for the purposes of these rules.

PART II—RECRUITMENT

3. *Composition of Service*—The Service shall comprise the ministerial posts sanctioned for the West Pakistan Secretariat from time to time.

4. *Appointing Authority*—Appointments to the Service shall be made by the Chief Secretary.

5. *Method of recruitment*—(1) Recruitment to the Service shall be made by the following methods:—

(a) Vacancies in the posts of Superintendents and junior Scale Stenographers Grade-I shall be filled by promotion.

(b) Fifty per cent of vacancies in the posts of Assistants and Senior Scale Stenographers shall be filled by initial recruitment and the remaining vacancies in such posts shall be filled by promotion.

(c) Vacancies in the posts of Junior Scale Stenographers Grade-II and Clerks shall be filled by initial recruitment.

(2) Vacancies to be filled by promotion shall be filled from among members of the Service eligible for such promotion in accordance with the provisions contained in column 4 of Appendix "A" to these rules in the following manner:—

(i) Ninety per cent of such vacancies shall be filled by selection on merit with due regard to seniority; and

(ii) ten per cent of such vacancies shall form a merit quota and shall be filled by selection from among members of the Service who possess the qualifications specified in sub-rule (3).

(3) No person shall be eligible for appointment under clause (ii) of sub-rule (2) unless he—

(i) has an outstanding record;

(ii) is below thirty-two years of age; and

(iii) possesses sound health;

Provided that where a person with the qualifications prescribed under this sub-rule is not available, the vacancy may be filled in the manner provided in clause (i) of sub-rule (2).

(4) Vacancies to be filled by initial recruitment shall be filled in the following manner:—

(a) in the case of Assistants—

(i) twenty per cent of such vacancies shall be filled on merit from among candidates domiciled in

any part of West Pakistan, provided that Government may, from time to time, by notification in the official Gazette, increase the percentage of vacancies to be filled under this clause; and

(ii) the remaining such vacancies shall be reserved for *bona fide* residents of the Zones specified in Appendix "B" to these rules, in proportion to their population according to the census figures; provided that if no suitable candidate is available from the Zone to which a vacancy is allocated under this clause, the vacancy may be filled in the manner provided in clause (i); and

(b) in the case of other posts, from among candidates domiciled in any part of West Pakistan.

6. *Age*—No person, who is less than eighteen years or more than twenty-five years of age, shall be appointed to the Service by initial recruitment;

Provided that:—

(i) for a period of ten years from the coming into force of these rules, the upper age limit in the case of a candidate from the Scheduled Castes or Under-Developed Areas shall be twenty-eight years; and

(ii) in the case of a person whose services under Government have been terminated for want of a vacancy, the period of service already rendered by him shall, for the purpose of the upper age limit under this rule, be excluded from his age.

7. *Qualifications*—(1) No person shall be appointed to a post in the Service by initial recruitment unless he possesses the qualifications prescribed for the post in column 3 of Appendix "A" to these rules.

(2) No person, not already in Government service, shall be appointed to the Service unless he produces a certificate of character from the principal academic officer of the academic institution last attended, and also certificates of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

8. *Probation*—(1) A person appointed to the Service against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise.

Explanation—Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If the work or conduct of a member of the Service during the period of probation has been unsatisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, dispense with his services if he has been appointed by initial recruitment and if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services.

(3) On completion of the period of probation of a member of the Service, the appointing authority may subject to the provisions of sub-rule (4), confirm him in his appointment, or if his work or conduct has, in the opinion of such authority, not been satisfactory—

(a) in case he has been appointed by initial recruitment, dispense with his services, or

(b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services; or

(c) extend the period of probation by a period not exceeding two years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation I—If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

Explanation II—If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

(4) No person shall be confirmed in the Service unless he successfully completes such training and passes such departmental examinations as may be prescribed by Government from time to time.

(5) If a member of the Service fails to complete sucessfully any training or pass any departmental examination prescribed under sub-rule (4), within such period or in such number of attempts as may be prescribed by Government, the appointing authority may—

(a) in case he has been appointed by initial recruitment, dispense with his services; or

(b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services.

9. *Seniority*—(1) The seniority *inter se* of the members of the Service in the various grades thereof shall be determined—

(a) in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Board; provided that persons selected for the Service in an earlier selection shall rank senior to the persons selected in a later selection; and

(b) in the case of members appointed otherwise, with reference to the dates of their continuous appointment therein; provided that if the date of continuous appointment in the case of two or more members of the Service is the same, the older official, if not junior to the younger official or officials in the next below grade, shall rank senior to the younger official or officials.

Explanation I—If a junior official in a lower grade is promoted to a higher grade temporarily in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the interest of his seniors in the fixation of his seniority in the higher grade.

Explanation II—If a junior official in a lower grade is promoted to a higher grade by superseding a senior official and subsequently that official is also promoted, the official promoted first shall rank senior to the official promoted subsequently.

Explanation III—A junior official appointed to a higher grade shall be deemed to have superseded a senior official only if both the junior and the senior officials were considered for the higher grade and the Junior official was appointed in preference to the senior official.

(2) The seniority in the various grades of the Service of the members appointed by initial recruitment *vis a vis* those appointed otherwise shall be determined:—

(a) in case both the official appointed by initial recruitment and the official appointed otherwise have been appointed against substantive vacancies, or both have been appointed against temporary vacancies, with reference to the date of appointment to such vacancy in the case of the official appointed by initial recruitment and to the date of continuous appointment against such vacancy in the case of the official appointed otherwise, provided that if the two dates are the same, the official appointed otherwise shall rank senior to the official appointed by initial recruitment;

(b) in case the official appointed by initial recruitment has been appointed against a substantive vacancy and the official appointed otherwise has been appointed against a temporary vacancy, the official appointed by initial recruitment shall rank senior to the official appointed otherwise; and

(c) in case the official appointed otherwise is appointed against a substantive vacancy and the official appointed by initial recruitment is appointed against a temporary vacancy, the official appointed otherwise shall rank senior to the official appointed by initial recruitment.

10. *Liability to transfer and serve*—Members of the service shall be liable to :--

(a) transfer anywhere in West Pakistan; and

(b) serve in any department of Government or any local authority or statutory body set up or established by Government.

11. *General Rules*—In all matters not expressly provided for in these rules, members of the Service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

12. *Relaxation*—Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rule would cause undue hardship to the individual concerned;

Provided that whenever such relaxation involves a question on which consultation with the Commission is mandatory, the Commission shall be consulted before the relaxation is made.

13. *Delegation*—Government may delegate all or any of its powers under these rules to any officer subordinate to it.

14. *Powers of Governor to safeguard rights of Government Servants*—Whenever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of the Province of West Pakistan, as guranteed by any law for the time being in force, are likely to be adversely affected, the Governor of West Pakistan shall make appropriate orders to safeguard the constitutional and legal rights of such person.

APPENDIX "A"

(*See* RULES 5 AND 7)

Serial No.	Nomenclature of the posts.	Qualifications prescribed for appointments by initial recruitment.	Method of recruitment.
1	2	3	4
1	Superintendents.		By promotion from among members of the Service holding posts of Assistants.
2	Assistants ..	Degree from a recognised University.	(*i*) Fifty per cent by initial recruitment; and (ii) Fifty per cent by promotion from among members of the Service holding posts of Clerks.
3	Senior Scale Stenographers.	(i) Matriculation from a recognised University or a Board; and (ii) a minimum speed of 120 words per minute in Shorthand in English and 40 words per minute in typing.	(i) Fifty per cent by initial recruitment; and (ii) Fifty per cent by promotion from among members of the Service holding posts of Junior Scale Stenographers Grade I.
4	Junior Scale Stenographers Grade I.		By promotion from among members of the Service holding posts of Junior Scale Stenographers Grade II and having a minimum speed of— (i) 100 words per minute in Shorthand in Engish; and (ii) 40 words per minute in typing.
5	Junior Scale Stenographers Grade II.	(i) Matriculation from a recognised University or a Board, and (ii) a minimum speed of 80 words per minute in Short-hand in English and 35 words per minute in typing.	By initial recruitment.
6	Clerks ..	Matriculation from a recognised University or a Board.	By initial recruitment.

APPENDIX "B"

[*See* RULES 5 (4) (a) (ii)]

Serial No.	Zone
1	2

1. Peshawar and Dera Ismail Khan Divisions excluding the Tribal Areas.

2. Tribal Areas of the former North-West Frontier Province including the Frontier States.

3. Rawalpindi, Lahore, Sargodha, Multan and Bahawalpur Divisions.

4. Khairpur and Hyderabad Divisions.

5. Karachi Division excluding Lasbela District.

6. Quetta and Kalat Divisions and Lasbela District of Karachi Division.

Note.—The zones have been re-constituted, *vide* Part II, Section I, item (5).

(S&GA Dept Notification
No. SOXIX-1-18/59,
dated 15-1-63)

WEST PAKISTAN BOARD OF REVENUE (ASSISTANT SECRETARIES) RECRUITMENT RULES, 1962

In pursuance of the Presidential Proclamation of the seventh day of October 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make the following rules regulating recruitment to the posts of Assistant Secretaries in the West Pakistan Board of Revenue and prescribing conditions of service for the persons appointed thereto, namely:—

THE WEST PAKISTAN BOARD OF REVENUE (ASSISTANT SECRETARIES) RECRUITMENT RULES, 1962

PART I—GENERAL

1. *Short title, commencement and application*—(1) These rules may be called the West Pakistan Board of Revenue (Assistant Secretaries) Recruitment Rules, 1962.

(2) They shall come into force at once.

2. *Definitions*—In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

(a) "Board" means the Board of Revenue, West Pakistan, as constituted under the West Pakistan Board of Revenue Act, 1957;

(b) "Commission" means the West Pakistan Public Service Commission;

(c) "Government" means the Government of West Pakistan;

(d) "Post" means a post of an Assistant Secretary in the Board.

PART II—RECRUITMENT

3. *Appointing Authority*—Appointments to the posts shall be made by Government on the recommendation of the Commission.

L (iv) 428—8

4. *Method of recruitment*—The posts shall be filled by selection on merit with particular reference to fitness for higher responsibilities from among Senior Superintendents in the Board and the offices of the Commissioners of Divisions in West Pakistan.

PART III—CONDITIONS OF SERVICE

5. *Probation*—(1) A person appointed to a post against a substantive vacancy shall remain on probation for a period of one year.

Explanation—Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If the work or conduct of any holder of a post during the period of probation has been found to be un-satisfactory, Government may, notwithstanding that the period of probation has not expired, revert him to his former appointment, or if there be no such appointment, dispense with his services.

(3) On the completion of the period of probation specified in sub-rule (i) by the holder of a post, Government may, subject to the provisions of sub-rule (4), confirm him in his appointment, or if his work or conduct has, in the opinion of Government not been satisfactory:—

(i) revert him to his former appointment, or if there be no such appointment dispense with his services; or

(ii) extend the period of probation by a period not exceeding two years in all, and during or on the expiry of such period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation I—If no orders have been made by the date following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

Explanation II—If no orders have been made by the date on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his

appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

(4) No person shall be confirmed in a post unless he successfully completes such training and passes such departmental examinations as may be prescribed by Government from time to time.

(5) If the holder of a post fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (4), within such period or in such number of attempts as may be prescribed by Government, may revert him to his former post, and if there be no such post, dispense with his services.

6. *Seniority*—The seniorty *inter se* of the holder of posts in the various grades thereof shall be determined with reference to the dates of their continuous appointment therein, provided that if the date of continuous appointment in the case of two or more holders of posts is the same, the older officer if not junior to the younger officer or officers in the next below grade, shall rank senior to the younger officer or officers.

Explanation I—If a junior officer in a lower grade is promoted to a higher grade temporarily in the public interest, even though continuing later permanently in the higher grade, it would not adversely effect the interest of his seniors in the fixation of his seniority in the higher grade.

Explanation II—If a Junior officer in a lower grade is promoted to a higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall be held senior to the officer promoted subsequently.

7. *Liability to transfer and serve*—Holders of posts shall be liable to:—

(a) transfer any-where in West Pakistan; and

(b) serve in any department of Government or any local authority or statutory body set up or established by Government.

8. *General Rules*—In all matters not expressly provided for in these rules, the holders of posts shall be governed by such rules as have been or may here-after be promulgated by Government and made applicable to them.

9. *Relaxation*—Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rule would cause undue hardship to the individual concerned;

Provided that wherever such relaxation involves a question on which consultation with the Commission is mandatory the Commission shall be consulted before the relaxation is made.

10. *Delegation*—Government may delegate all or any of the powers under these rules to any officer sub-ordinate to it.

11. *Powers of Governor to safeguard rights of Government Servants*—Whenever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of the Province of West Pakistan, as guaranteed by any law for the time being in force, are likely to be adversely affected, the Governor of West Pakistan shall make appropriate orders to safeguard the constitutional and legal rights of such person.

(S&GA Dept Notification
No. SOXIX-1-57/59,
dated 24-3-1962)

WEST PAKISTAN DELEGATION OF POWERS (RELAXATION OF AGE) RULES, 1961

In pursuance of the Presidential Proclamation of the seventh day of October 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make the following rules, namely:—

1. (1) These rules may be called the West Pakistan Delegation of Powers (Relaxation of Age) Rules, 1961.

(2) They shall apply in respect of all the services and posts under the Government of West Pakistan, except such services and posts as may be specified by Government by notification in the official gazette.

(3) They shall come into force at once.

2. Notwithstanding anything to the contrary contained in any service or recruitment rules in force in West Pakistan or in any part thereof, the authorities and officers specified in column 2 of the Schedule annexed to these rules may, for reasons to be recorded, relax up to two years the maximum age limit prescribed for recruitment to any post or service specified against such authority or officer in column 3 of the Schedule.

3. The powers conferred under these shall be in addition to and not in derogation of powers to relax age qualifications delegated or conferred under any other rules or orders for the time being in force in West Pakistan.

SCHEDULE

Serial No.	Authorities competent to relax maximum age prescribed for recruitment	Services and posts in respect of which relaxation is permissible
1	2	3
1	Administrative Department ..	All services and posts for which Government is the appointing authority.
1-A.	Chief Justice, and the Senior Judge of the Karachi/Peshawar Bench.	(*i*) All services and posts for which the Chief Justice or the Senior Judge, Karachi/Peshawar Bench, as the case may be, is the appointing authority.
		(*ii*) All services and posts for which an authority lower than the Chief Justice or the Senior Judge, Karachi/Peshawar Bench, as the case may be, is the appointing authority".
2	Head of Attached Department ..	(*i*) All services and posts for which the Head of Attached Department is the appointing authority.
		(*ii*) All services and posts for which an authority lower than the Head of the Attached Department is the appointing authority.
3	Commissioners of Divisions ..	(*i*) Services and posts for which the Commissioner is the appointing authority.
		(*ii*) Services and posts for which an authority subordinate to the Commissioner is the appointing authority.

(S&GA Dept Notification No. SOXII (S & GAD)-2-34/61, dated 10-1-62 as amended by Notification No. SOXII (S&GAD) 2-34/61, dated 2-4-62)

Note:—These rules will apply in cases where new Service Rules have been framed. Where old rules are still applicable, the relevant provision is at item 34 of Appendix "A" to the West Pakistan (Civil Services) Delegation of Power Rules, 1962.

PART I

SECTION 3

(I)

DECISIONS TAKEN ON THE REPORT OF THE PROVINCIAL ADMINISTRATION COMMISSION— CONSTITUTION OF PROVINCIAL/DIVISIONAL SELECTION BOARDS FOR RECRUITMENT TO SUBORDINATE SERVICES

I am directed to address you on the above subject and to say that the question of specifying such posts in the Subordinate Services as could conveniently be excluded from the purview of the West Pakistan Public Service Commisson for purposes of recruitment and promotion has been under the consideration of the Government of West Pakistan for some time. This question was also discussed by the Provincial Administration Commission in its Report. The Commission felt that with the great expansion in the activities of Government and the rise in the salaries of Government servants, a far wider field of recruitment had been brought within the scope of the Public Service Commission than it could conveniently handle. Besides, it generally led to great delays in making appointment even to minor and unimportant posts and thus defeated the very object of decentralisation aimed at by the Government and reduced the speed and mobility of departmental operations.

2. The Provincial Administration Commission accordingly recommended that Provincial Government should prescribe an appropriate procedure for making recruitment to Subordinate Services at various levels. The Central Cabinet took the following decision on this recommendation of the Commission:—

"Recruitment to Subordinate Services should be made as follows—

(a) A Divisional Selection Board should be constituted for conducting recruitment to Subordinate Services within the division except in respect of those subordinate Services recruitment to which is at present made at the district level.

(b) A Provincial Selection Board should be constituted to conduct recruitment to Subordinate Services for the Provincial Secretariat,

L (iv) 428—9

In both the cases at (a) and (b) above no reference shall be made to the Public Service Commission."

3. In pursuance of this decision, the Governor of West Pakistan has already made the necessary amendment in Regulation 4 and Schedule 'A' appended to the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957. A copy of the notification issued in this connection was forwarded to you with this Department's endorsement No. S.O. VII-1-18/60, dated the 1st December 1960.

4. Government has now decided to constitute the following Selection Boards with immediate effect:—

(*A*) *Selection Board for West Pakistan Secretariat*—

(1) Additional Secretary to Government, West Pakistan, Services and General Administration Department—*Chairman*.

(2) Joint Secretary to Government, West Pakistan, Finance Department—*Member*.

(3) Deputy Secretary (Establishment) to Government, West Pakistan, Services and General Administration Department—*Member* (*Secretary*).

This Board has been constituted for conducting recruitment to Subordinate Services in the Provincial Secretariat. It will not, however, be concerned with the cases of promotion to the grades of Superintendents, which involve change of status from non-gazetted to gazetted and will thus continue to be referred to the West Pakistan Public Service Commission as before.

(*B*) *Divisional Selection Boards*—

(1) Commissioner of Division—*Chairman*.

(2) One Selected Regional/Divisional Head of Department to be nominated by the Commissioner—*Member*.

(3) Regional/Divisional Head of the Department concerned—*Member*. (*Co-opted*).

The Regional/Divisional Head of Department nominated by the Commissioner to act as Member will serve on the Selection Board for a period of one year. The Commissioners will, however, appoint Regional/Divisional Heads of Departments to serve as Members on these Boards by rotation. The Secretary to each Divisional Selection Board will be nominated by the respective Commissioner. He will be a gazetted officer not below the rank of Assistant to the Commissioner, who is a P.C.S. officer.

The Divisional Selection Boards will deal with the cases of recruitment to and promotion in the Subordinate Services recruited on a Divisional basis and will not be concerned with the cases of Subordinate Services recruitment to which is at present made at the district level. Where a post relates to a Divisional Office with jurisdiction over more than one Division, the responsibility for recruitment/promotion thereto will rest with Divisional Boards where the headquarters of the Divisional Officer of the Department is located.

(C) *Selection Board for Offices of the Heads of Attached Departments—*

(1) one of the Secretaries to Government, West Pakistan to be nominated by Government;

(2) two Heads of Attached Departments to be nominated by Government;

(3) head of the Attached Department concerned to be co-opted as a Member; and

(4) one whole-time Secretary of the rank of a Section Officer.

The nominations will be made for a period of one year and Government will also appoint the Chairman and the Section Officer. This Board will be located at Lahore and will conduct recruitment to subordinate services in the offices of the Heads of Attached Departments in respect of posts, which were previously required to be filled in consultation with the West Pakistan Public Service Commission.

5. All vacancies of direct recruitments or promotions, which arose prior to the 1st December 1960, will be filled

on the recommendations of the West Pakistan Public Service Commission and NOT of the newly-created Selection Boards, which will start functioning in respect of vacancies arising subsequent to the 1st December 1960, when the amendment to the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957, referred to in paragraph 3, was made.

6. These Selection Boards will not assume any function in the matter of recruitment/promotions to posts, which are already the responsibility of the Departments/Officers concerned, but will deal with only those cases of Subordinate Services which, under the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957, were required to be referred to the West Pakistan Public Service Commission immediately before the 1st December 1960.

7. The Selection Boards should immediately submit their proposals to Government regarding the—

(*i*) principles and methods to be followed for recruitment;

(*ii*) field of recruitment.

(*iii*) syllabi for competitive and qualifying examinations for direct recruitment and for recruitment by promotion; and

(*iv*) extent of direct recruitment and recruitment by promotion in each grade, subject to the provisions of the Service Rules in each case.

8. The nomination of Members of the Selection Board for the Offices of the Heads of Attached Departments will be made very shortly. The Chairman of this Board will, on appointment, submit proposals in regard to the principles and method of recruitment, etc., in consultation with his colleagues.

9. The Chairmen of the respective Selection Boards should please take immediate steps to ensure that the Boards start functioning as soon as possible

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(S&GA Dept letter
No. F-3 (4)/60/AR/S & GAD,
dated 10-12-1960)

(2)

CONSTITUTION OF PROVINCIAL/DIVISIONAL RECRUITMENT BOARDS FOR CLASS III AND IV SERVICES—IMPLEMENTATION OF THE ACCEPTED RECOMMENDATIONS OF THE PROVINCIAL ADMINISTRATION COMMISSION AND THE PROVINCIAL RE-ORGANIZATION COMMITTEE

With reference to this Department's letter No. F. 3(4)/60/AR/S&GAD, dated the 10th December, 1960, on the subject of constitution of Provincial/Divisional Selection Boards for recruitment to subordinate services, I am directed to say that consequent upon the re-organisation of Departments and Services and decentralisation of their control on the basis of the accepted recommendations of the Provincial Re-organisation Committee, made in Chapter II and IV of its Report, it has been decided to make the following modifications in the nomenclature, constitution and scope of functions, etc. of the Boards mentioned in this Department's letter under reference:—

(A) SELECTION BOARD FOR THE WEST PAKISTAN SECRETARIAT

This Board will consists of:—

(1) A Secretary to the Provincial Government, to be nominated by Government	Chairman.
(2) Joint/Additional Secretary to Government, West Pakistan, Finance Department ...	Member
(3) Deputy Secretary, (Establishment) to Government, West Pakistan, Services and General Administration Department ...	Member (Secretary).

Besides conducting recruitment to subordinate services in the Provincial Secretriat (except in the case of promotions to the rank of Superintendent) this Board will also conduct recruitment to posts in Class III & IV Services, carrying an intital salary of Rs. 150 or above, in respect of the attached offices and Institutions located at Lahore, other than those

placed under Boards of Governors, which, in the re-organised set-up are being controlled direct from the Provincial Secretariat.

(B) DIVISIONAL RECRUITMENT BOARDS

These Boards will replace the existing Divisional Selection Boards and will be constituted as follows:—

(1)	Commissioner of Division	Chairman
(2)	Two Heads of Regional Offices appointed by Government	Members
(3)	Regional/Divisional Head of the Department concerned	Member (co-opted).
(4)	One of the Assistants to the Commissioner of the Division to be nominated by the commissioner	Secretary

These Boards will deal with cases of direct recruitment to and promotions in all posts with an initial salary of Rs. 150 or above in Class III and Class IV Services in the Division as well as with recruitment and promotion to similar posts in respect of the institutions (other than those placed under Boards of Governors) functioning in the Division, but controlled directly from the Provincial Secretariat. Where a post relates to a Regional/Divisional Office with jurisdiction over more than one Region/Division, the responsibility for recruitment/promotion thereto will rest with the Divisional Board, where the headquarters of the Regional/Divisional Officer of the Department is located.

(C) SELECTION BOARD FOR OFFICES OF THE HEADS OF ATTACHED DEPARTMENTS

1. This Board will deal with all cases relating to direct recruitment to and promotions in posts in Class III and Class IV Services carrying an initial salary of Rs. 150 or above in respect of the Offices of the Heads of Attached Departments located at the Provincial Headquarters.

The constitution, scope of functions and method of nomination of members of this Board will continue as at present.

2. Paragraph 6 of the letter referred to in paragraph 1 will stand cancelled from the date of issue of this letter.

3. The nomination of members of the Boards at (a) and (c) in paragraph 1 will be made separately.

4. The Boards will immediately submit their proposals regarding—

(i) principles and methods to be followed for recruitment ;

(ii) field of recruitment;

(iii) syllabi for competitive and qualifying examinations for direct recruitment and for recruitment by promotion; and

(iv) extent of direct recruitment and recruitment by promotion in each grade, subject to the provisions of the Service Rules in each case.

5. The Chairmen of the respective Selection Boards should please take immediate steps to ensure that the Boards start functioning as soon as possible.

(S&GA Dept letter
No. 3/4/60-AR/62,
dated 9-7-1962)

(3)

CONSTITUTION OF SELECTION BOARDS

I am directed to say that a question has arisen that where a post comes within the purview of a Selection Board but in the relevant Service Rules an authority has been specified as the appointing authority, whether or not it is mandatory to consult the Selection Board for making appointment there against. It is necessary to point out that the instructions contained in this Department's circular No. 3/4/60-AR/62, dated the 9th July, 1962, have to be followed in every case irrespective of the fact whether or not in the Service Rules consultation with the respective Selection Board has been expressly provided for. Provision in this respect has been made in the Service Rules which have been issued recently, but even where such express provision has not been made Government instructions will be followed as ind-icated above.

2. In this connection attention is also drawn to rule 20 of the West Pakistan Government Rules of Business, 1962, which authorises the Government to constitute one or more Selection Boards and specify the appointments and promotions to posts, other than those to be made on the advice of the Public Service Commission, to be made on the advice of such Selection Boards. Sub-rule (2) of the said rule provides that, "if in any case, a department does not propose to accept the advice of the Selection Board in regard to a matter in which its advice is required under sub-rule (1), the case shall be returned to the Selection Board for reconsideration, and the Selection Board shall reconsider such case. If on reconsideration, the difference is still persisted, the case shall be submitted to Governor through Services and General Administration Department for his orders". The provisions of this rule are binding on all concerned and should be followed with maticulus care.

(S&GA Dept letter No.
SOXII-(S&GAD)-3-42/63,
dated 21-10-63)

(4)

NATURE OF DOMICILE FOR RECRUITMENT TO CLASS III AND CLASS IV SERVICES IN REGIONS, DIVISIONS AND DISTRICTS

I am directed to say that recruitment to Class III and Class IV services have to be made on the basis of regional, divisional and district cadres, as recommended by the Reorganization Committee. Necessary rules regarding the determination of such cadres are being issued in respect of each service, separately. An issue has arisen about the nature of domicile for recruitment to such services in the regions, divisions and districts.

2. The basic principle of recruitment is that all recruitment to subordinate services is to be confined to the area to which the cadre of the service pertains. For instance, in the case of district cadre, the recruitment shall be confined to the candidates belonging to that district.

3. It would be necessary to insist on a domicile certificate for recruitment in a region, division or district. The candidates should be required to produce a certificate of domicile under the Citizenship Act, alongwith their applications for recruitment, so that no person from other areas applies for such vacancies.

4. In respect of the backward areas the criteria was laid down in this Department letter No. SOXII-2-25/60, dated the 10th January 1962. It shall be applicable now only in respect of the special concession regarding the upper age limit and admission to educational institutions.

(S&GA Dept letter
No. SOXII (S&GAD)-3-14/62.
dated 8-11-1962)

(4)

NATURE OF DOMICILE FOR RECRUITMENT TO CLASS III AND CLASS IV SERVICES IN REGIONS, DIVISIONS AND DISTRICTS

I am directed to say that recruitment to Class III and Class IV services is to be made on the basis of regional, divisional and district cadres as recommended by the Reorganisation Committee. Necessary rules regarding the recruitment of such cadres are being issued in respect of each service, separately. An issue has arisen about the nature of domicile for recruitment to such services in the regions, divisions and districts.

2. The basic principle of recruitment is that all recruitment to subordinate services is to be confined to the area to which the cadre of the service pertains. For instance, in the case of district cadre, the recruitment shall be confined to the candidates belonging to that district.

3. It would be necessary to insist on a domicile certificate for recruitment in a region, division or district. The candidates should be required to produce a certificate of [illegible] the [illegible] Act, [illegible] their [illegible] for [illegible] that the [illegible] from other [illegible] for [illegible]

4. In respect of the backward areas the criteria were laid down in this Department letter No. [illegible] dated the 10th January 1962. It will be applicable now only in respect of the special concession regarding the [illegible] and admission to educational institutions.

(5)

RECRUITMENT BY SELECTION BOARDS AT DIVISIONAL AND PROVINCIAL LEVELS

I am directed to say that Government has decided that recruitment to all posts by the Selection Boards at Divisional and Provinicial levels should be excluded from the purview of the Employment Exchange.

(S&GA Dept letter No.
No. SOXII-(S&GAD)-3-14/62.
dated 24-6-63).

(6)

RECRUITMENT TO CLASS III AND CLASS IV SERVICES

I am directed to refer to this Department's circular of even number, dated the 8th November 1962, on the subject noted above and to say that Government has examined the issue as to the policy which should be adopted to make recruitment to posts in Class III and Class IV services in cases where suitable candidates are not available from the area covered by the respective Regional, Divisional and District Cadres. It has been decided that the following instructions should be followed in such cases:—

(1) The posts should be advertised for recruitment of candidates from the district/division in accordance with the area of the cadre and candidates from that area should be recruited.

(2) If as a result of the foregoing advertisement and efforts, qualified candidates are not available from the district, if the cadre consists of a district, then the posts should be offered to the residents of the division within which the district falls.

(3) In case, the second effort fails, then the posts for which the qualified persons do not become available after having made an effort to recruit them from the district and the division, then such posts should be thrown open on All-West Pakistan basis.

2. Government has also decided that in cases where a person not belonging to the area covered by any of the Cadres mentioned above has been recruited due to non-availability of a suitable candidate from the said area such a recruit should not be turned out at any time subsequently for the reason that a qualified person from the same area had become available.

(S&GA Dept letter
No. SOXII (S&GAD)-3-14/62.
dated 30-10-1963)

(7)

JURISDICTION OF SELECTION BOARDS IN PROMOTION CASES

I am directed to refer this department circular letters No. F. 3 (4)/60/AR/S & GAD, dated the 10th December 1960 and dated the 9th July 1962, on the subject noted above and to say that Government have decided that in cases of promotion reference shall be made to the respective Selection Boards where the starting salary of the higher post is Rs. 250 or above. In cases where promotion is proposed to be made to posts with starting salary lower than Rs. 250 per mensem powers of promotion will continue to be exercised by the appointing authorities.

(S&GA Dept letter
No. SOXII (S&GAD)-3-13/62.
dated 18-2-1963)

L (iv) 428—11

(8)

JURISDICTION OF SELECTION BOARDS

I am directed to refer to this Department's letter No. S.O.XII-(S & GAD)-3-13/62, dated the 18th February 1963, regarding the constitution of Provincial/Divisional Selection Boards for recruitment to subordinate services, and to say that the Finance Department are revising the pay scales of subordinate services. In most cases, orders relating to the revision of pay have been issued. "The intention of Government is that the cases which were previously within the jurisdiction of the Selection Boards should continue to be dealt with by them irrespective of the revision of pay scales. The cases in which revised pay scales have been adopted by the Finance Department, the jurisdiction of Selection Boards for purposes of initial recruitment shall, extend to those posts, the minimum salary of which is Rs. 215 or above. Similarly, in the case of promotion only cases pertaining to posts with initial revised salary of Rs. 325 or above, shall be referred to the Selection Boards. Cases which do not fall within the purview of the Selection Boards or the Public Service Commission shall be decided by the appointing authorities."

(S&GA Dept letter
No. SOXII (S & GAD)-3-13/62,
dated 8-10-1963)

JURISDICTION OF SELECTION BOARDS

I am directed to refer to this Department's letter No. 4/(XII)/S-[illegible]-14/62, dated the 16th February, 1963, regarding the constitution of Provincial/Divisional Selection Boards for appointment to subordinate services, and to say that the Finance Department are revising the pay scales of government servants. In [illegible] cases, orders relating to the [illegible] have been issued. The question of [illegible] arose that the cases which were previously within the jurisdiction of the Selection Boards should continue to be dealt with by them after the revision of pay scales. The [illegible] in which revised pay scales have been adopted by the [illegible], the jurisdiction of Selection Boards for [illegible] of initial recruitment shall extend to those posts the maximum salary of which is Rs. 215 or above, [illegible] in the case of promotion only cases [illegible] revised salary of Rs. [illegible] or above [illegible].

[illegible] the jurisdiction of the Selection Boards or the Public Service Commission shall be decided by the appointing authority [illegible].

(S&GA Department's letter
No. [illegible]
dated [illegible])

(9)

PROMOTION TO THE POST OF INSPECTOR OF POLICE

I am directed to say that Government has decided that promotion to the posts of Inspector of Police should be excluded from the purview of the Selection Board. Promotion to the said posts will continue to be made according to the procedure laid down in the Police Rules.

(S&GA Dept letter No.
SOXII (S&GAD)-3-13/62,
dated 1-1-64).

PART I

SECTION 4

VERIFICATION OF CHARACTER AND ANTECEDENTS OF CANDIDATES FOR EMPLOYMENT UNDER THE WEST PAKISTAN GOVERNMENT

I am directed to say that the enclosed Attestation Form has been adopted by the Government of West Pakistan for the purpose of verification of the character and antecedents of candidates for employment under the Provincial Government. The new form may be used for the completion of verification proceedings in all future cases of recruitment.

2. Where a candidate has lived at more than one place during the past 5 years, references for verification of character and antecedents should invariably be made to all the authorities in whose jurisdiction the candidate has lived for more than 6 months in the year's period immediately preceding the inquiry.

3. The new form is comprehensive and will not only enable the appropriate authorities to conduct a full and proper verification of the character and antecedents of the persons concerned but will also be useful as a record of the entrants into Government service. The completed forms should be carefully maintained after the conclusion of the verification proceedings.

*4. Necessary action may please be taken to standardise the enclosed Verification Roll.

*For Secretary, Industries and Commerce Department only

(S&GA Dept letter
No. E & A (S & GAD)-13(12)/60,
dated 15-8-60 as amended
by letter No. SOXII (S & GAD)-2-200/61,
dated 13-11-62)

Confidential

To

No. , dated the

VERIFICATION OF CHARACTER AND ANTECEDENTS OF CANDIDATES FOR APPOINTMENT UNDER THE GOVERNMENT OF WEST PAKISTAN

The Verification Roll in respect of Mr.__________

__________a candidate for appointment as__________

__________in the __________

__________Department is enclosed with the request that the character and antecedents of the candidate may please be verified in accordance with the provisions of the Government of West Pakistan, Services and General Administration Department letter No. E & A (S & GAD)-13 (12)/60, dated the 15th August 1960. The completed Roll may then be returned to the undersigned.

Signature and designation of the Issuing Officer and the name of the department with full address

GOVT. OF WEST PAKISTAN

———————— DEPARTMENT

VERIFICATION ROLLS FOR CANDIDATES SELECTED FOR APPOINTMENT UNDER THE GOVERNMENT OF WEST PAKISTAN

The name of the post in which the candidate is to be appointed.

PART I

(To be filled in by the candidate)

1. Name in full (in BLOCK letters) with alias, if any, and Nationality.

2. Father's name in full with designation of service, if any, and Nationality.

3. Home address in full (i.e. Village, Post Office, Police Station and District).

4. Local and other addresses during the last five years where the candidate has stayed for more than six months.

Address	From	To

5. Present residential address.

6. Place of birth (stating Village, Tehsil, District, etc.)

7. Date of birth (whether the candidate is a Matriculate, his Matric age should be noted).

8. Educational qualifications showing places of education with years in schools and colleges from 15th year of the candidate:—

Name of School, College etc.	Date of entering	Date of leaving

9. Offices or firms, with full description and addresses where the candidate previously worked, and the reason for leaving—

Offices/Firms	From	To	Reason for leaving

(If) the candidate has previous service in the armed forces of Pakistan relevent entries relating to the length of service, nature of the duties performed and report regarding the character and or behaviour entered in the Discharge Certificate should be entered).

Note—The Department should satisfy itself that the Discharge Certificates of *ex*-service men are satisfactory.

10. Whether arrested, prosecuted, or convicted in any case, political or otherwise, and restricted or externed; if so full particulars including dates should be furnished.

11. **Full particulars of the near relations, if any, i.e., brothers, sisters, first uncles and first relations-in-law, who are in Government service in Pakistan or elsewhere, specifying the posts held and where posted.**

Name of relations	Post held	Place of Duty

12. A certificate of character from the head of the educational institution last attended by the candidate to be attached.

13. Names with addresses of two referees in Pakistan, who can testify to the candidate's character and antecedents:—

Name	Address

Date——— Signature ———

PART II

(To be filled in by the Superintendent of Police, etc., concerned at the request of the Department).

Suitable
————for the following reasons;—
Unsuitable

Place————

Date————

Superintendent of Police.

(After verification of character and antecedents of the candidate concerned by the Police, the Attestation Form should be passed on by the Superintendent of Police, to the District C.I.D. for vetting by them and return to the authorities concerned through the S.P., C.I.D., concerned).

Countersigned————

Superintendent of Police

District————

(2)

VERIFICATION OF CHARACTER AND ANTECEDENTS OF CANDIDATES EMPOLYMENT UNDER THE WEST PAKISTAN GOVERNMENT

Attention of all Secretariat Departments is invited to the instructions contained in this Department circular of even number, dated the 15th August 1960, on the above subject.

2. In order to implement the orders contained therein *vis a vis* the direct recruitment to the cadres of ministerial establishment in the Secretariat, following dicisions have been taken:—

I—In case of persons already appointed

(*i*) All Secretariat Departments should prepare the Verification Rolls in the prescribed form, in respect of stenographer, clerks, daftries and peons (including other categories of officers and staff recruited directly by the departments such as Assistant Directors, Progress Officers, Reseach Officers, Statistical Investigators and Computors recruited by Planning and Development Department and which are not borne on the Secretariat cadre) recruited *after integration* and whose antecedents have not yet been verified and send the same to the Deputy Inspector General of Police, C.I.D., for necessary action as per aforesaid instructions;

(*ii*) The completed Verification Rolls may be filled with the Character Rolls of the persons concerned.

(*iii*) Cases in which adverse reports are received from the police authorities should be referred to Services and General Administration Department for appropriate action.

II—Future recruitment

(*iv*) As a rule no appointment should be made by Services and General Administration Department unless the verification proceedings have been completed;

(*v*) In an exceptional case where a post is required to be filled urgently the appointment shall be made but verification proceeding shall be initiated simultaneously.

(S&GA Dept letter
(No. E&A (S&GAD)-13(12)/60.
dated 9-11-61).

(3)

VERIFICATION OF CHARACTER AND ANTECEDENTS OF CANDIDATES FOR EMPLOYMENT UNDER THE WEST PAKISTAN GOVERNMENT

I am directed to refer to this Department's circular letter No. E & A (S & GAD)-13(12)/60, dated the 15th August 1960, with which the attestation form for the verification of the character and antecedents of candidates was sent to you and to say that Government have decided that the age for the purpose of verification of character and antecedents should be 19 years and above.

(S&GA Dept letter
No. SOXII (S & GAD)-2-3/63,
dated 17-9-1963)

PART I

SECTION 5

(I)

MODEL FORM OF APPOINTMENT ORDER

It has been observed that the appointing authorities, while making appointments to temporary posts, use different forms of appointment orders. In order to secure uniformity in this behalf, this department has drawn up a model form, a copy of which is enclosed. This form is not rigid and it can be varied by the departments to suit their peculiar requirements.

(S&AG Dept letter
No. SOXII-2-38/60.
dated 11-7-1960)

OFFICE OF THE——————————

APPOINTMENT ORDER

Mr.——————is offered a post of temporary————in the grade of Rs.————on Rs.———with usual allowances as admissible under the rules.

2. The post which is being offered to him has been sanctioned by Government upto————but is likely to be extended further. His employment in the————Department is purely temporary and his services may be terminated at one months' notice without any reasons being assigned at any time irrespective of the fact that he is holding a post other than the one to which he was originally recruited, or on the payment of one month's salary in lieu of the notice.

3. He has to join duty at his own expense.

4. The offer is subject to the conditions that he is domiciled in West Pakistan.

5. In case he wishes to resign at any time, a month's notice will be necessary or in lieu thereof a month's pay may be forfeited.

6. He will have to produce a medical certificate of fitness if his service continues beyond six months.

7. He will be governed by such rules and orders relating to leave, travelling allowance, medical attendance, pay, etc., as may be issued by Government for the category of Government servants to which he will belong.

8 If he accepts the post on these conditions, he should report himself for duty to——— as soon as possible and produce original certificates in connection with his qualifications, domicile and age.

9. The offer will be cancelled if on reply is received by———or if he fails to report for duty up to the above date.

To———————

No.——————dated the

---

(2)

FAVOURITISM AND NEPOTISM IN MAKING AD-HOC APPOINTMENTS PROMOTIONS ETC.

I am directed to state that it is important that in making *ad hoc* appointments and promotions officers competent to do so do not indulge in favouritism and nepotism. Acts of favouritism or nepotism constitute 'misconduct' within the meaning of West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, as they are against the service discipline and the instructions issued by Government. It is, therefore, requested that if instances of favouritism or nepotism or irregularity in making *ad hoc* appointments, promotions, and transfers from one service to another are brought to your notice, the officers responsible should be proceeded against under those rules.

2. It may be pointed out that *ad hoc* appointments, which are within the purview of the Public Service Commission, can be made only when—

(i) the appointment is for a period not exceeding six months; and

(ii) it is necessary in the public interest that the appointment should be made immediately.

Provided that—

(a) whenever such an appointment is made, the Commission shall be informed at once; and

(b) if the appointment is likely to be extended beyond the period of six months, the Commission shall be consulted at least two months before the extension regarding the suitability of the person appointed.

In this connection attention is invited to cluase (4) of Regulation 3 of the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957.

3. Similarly, in case of promotions and transfers from one service to another, which are within the purview of the Commission, prior consultation with the Public Service Commission is dispensed with, only when the officiating promotions or transfers are not expected to last for more than six months; provided that, if the period of officiating promotion or transfer

is likely to be extended beyond a total period of six months, the Commission shall be consulted *immediately*. In this connection, attention is invited to the explanation below Regulation 4 of the Regulations referred to above.

4. It is the duty of the appointing authorities to ensure that the above-mentioned provisions for consulting the Public Service Commission are duly observed. Failure to observe them will constitute 'misconduct' and the officers concerned will be liable to be proceeded against under the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960.

(S&GA Dept letter
No. SOXII (S&GAD)-2-18/62,
dated 12-4-1962)

PART I

SECTION 6

(I)

WEST PAKISTAN CIVIL SERVICES (APPLICATIONS FOR POSTS) RULES, 1957

In exercise of the powers conferred by sub-clause (b) of clause(2) of Article 182 of the Constitution of Pakistan and in supersession of all previous orders on the subject, the Governor of West Pakistan, is pleased to make the following rules:—

1. *Short title*—These Rules may be called the West Pakistan Civil Services (Applications for Posts) Rules, 1957.

2. *Eligibility*—No Government servant shall be eligible for appointment to any service of the Province or to any post in connection with the affairs of the Province, other than the service of the post to which he is for the time being appointed, unless he applies with the permission, in writing of the head of office or department in which he is employed.

3. *Application for competitive examinations*—If any Government servant applies for permission and is otherwise eligible to appear at a competitive examination to be held by a Provincial (or the Central) Public Service Commission, his application shall be forwarded—

(a) always, if it is in connection with an examination for recruitment to a ministerial service; and

(*b*) twice, but not more than twice, if it is in connection with any other examination.

4. *Release on selection for appointment to a post for which application has been forwarded*—When a person whose application has been forwarded to the appointing authority or a Public Service Commission in accordance with these rules, is selected for apppointment, he shall ordinarily be released.

5. *Applications made before joining Government service*—If any person, who before appointment to any service of the Province or to any post in connection with the affairs of the Province, has appeared at any competitive examination or has applied for a post elsewhere and is, as a result, offered a

post higher than the one to which he is for the time being appointed, he shall be released to join such service or post.

6. *Employment in other departments of Government or under another Government*—A Government servant shall not apply for any appointment in another office or department of Government or under another Government unless the head of such office or department or such other Government has invited applications for the post, provided that in the case of an appointment for which applications are not ordinarily invited, a Government servant may inform the authority, which makes the appointment, by a letter submitted through the appointing authority of his own post or service, that he wishes his name to be considered.

7. *Temporary Government servants*—If a temporary Government servant(other than an accountant or stenographer) or employee of the Health, Irrigation, Electricity or Building and Roads Department who is not likely to be employed permanently in the office or department in which he is employed, applies for a permanent post elsewhere his application shall not be withheld.

8. *Permanent Government servants and certain temporary Government servants*—A permanent Government servant employed in any service of the Province, who is not covered by any of the foregoing rules, and a temporary accountant, stenographer or employee of theHealth, Irrigation, Electricity or Buildings and Roads Department may ordinarily be permitted to apply twice, and not more than twice, in any calendar year for a post or to appear in an examination for a post or for the transfer of his services to a post in an other office or department or under any other Provincial Government or the Central Government or a Statutory Corporation constituted by the Government of West Pakistan or any other Provincial Government or the Central Government, unless the head of that office or department in which he is employed considers that the grant of permission would be inconsistent with the public interest.

9. *Circumstances in which advance copies of application may be sent*—Ordinarily an application for a post in respect of which selection is to be made by a Provincial (or the Federal) Public Service Commission shall be accompanied by permission in writing of the authority referred to in Rule (2). When however, there is a likelihood that the last date prescribed for the submission of applications will expire before such permission can be obtained an advance copy may be submitted

to the Commission. The candidature of such applicant will be reated as provisional until permission has been accorded under these rules. In the event of such permission not being granted, the Public Service Commission concerned will be informed immediately of the decision, so that the Commission may cancel the candidature of the applicant.

10. *Application for a higher post in the service or department*—If a Government servant, whether permanent or temporary, applies for a post advertised by the West Pakistan Public Service Commission, which is included in the same service in which he is for the time being employed or in a higher Service of the same nature, his application shall not be withheld.

"10-A. *Application for Service in Local Bodies*—A permanent Government servant employed in any service of the Province to any post in connection with the affairs of the Province, and a temporary Accountant, Stenographer or employee of the Health, Irrigation, Electricity or Buildings and Roads Department may ordinarily be permitted to apply for service under Local Bodies unless the head of the office or Department in which he is employed considers that the grant of permission would be inconsistent with the public interest".

11. (1) *Application for private employment*—A Government servant shall not apply or accept private employment, without the previous permission, in writing of the appointing authority.

(2) An application for permission to apply for private employment shall not be entertained unless the appointing authority is satisfied, that on such employment having been secured, the resignation of the applicant can be accepted without detriment to the public service.

(3) If a Government servant who is refused permission to apply for private employment wishes to resign his appointment under the Government, the authority competent to accept his resignation, subject to any general or special law or order on the subject, may ordinarily accept the resignation but, where the authority is satisfied that the Government servant in securing the private employment has taken advan tage of his official position, it shall not accept the resignation

(4) A Government servant who is permitted to apply for private employment, must, on accepting it, resign his appoint-

ment under Government. After such acceptance, he shall not be allowed any leave, nor shall he be permitted to retain his lien on his appointment under Government.

(S and G A Dept Notification No. SR.-I-14/57, dated 26-4-57, as amended by Notifications No. SOXII-2-12/61, dated 20-7-61 and SOXII (S GAD)-1-14/57, dated 18-1-63)

(2)

APPLICATIONS FOR POSTS RULES, 1957
INTERPRETATION

A question has arisen whether a Government Servant, who has been permitted to apply for a competitive examination under rule 3 of the West Pakistan Civil Services (Application for Posts) Rules, 1957, or has been permitted to apply elsewhere, should on release under rule 4 ibid be required to abide by the condition of his existing employment contracted by him, that on resigning his post, he will either give one month's notice in writing or surrender one month's salary in lieu of the notice.

2. The correct position is that if the second employment is a private employment, the condition of one month's notice is enforceable but when the second employment is also an employment under Government, as envisaged by the West Pakistan Civil Services (Application for Posts) Rules, 1957 it will be a case of virtual transfer from one Government appointment to another and no question of resignation or notice would arise in such a case.

(S & G A Dept Memo
No. SOXII-1-14/57,
dated 21-12-1959)

PART II

SECTION 1

(I)

PROPORTIONAL REPRESENTATION OF ZONES IN CLASS I AND II SERVICES ON POPULATION BASIS

I am directed to say that Service Rules of different services are being notified by this Department. A decision has been taken by Government under the Re-organization Scheme that 80% of the vacancies to be filled by initial recruitment in Class I and Class II services should be filled from different zones of this Province in accordance with the population percentage. Necessary provision has been made in Class I and Class II rules so far notified. But the percentage of population of each region is likely to vary with the census figures and it was therefore, not included in the service rules. The percentage of population based on Census Bulletin No. 2—Population Census of Pakistan 1961 works out as follows:—

Sr. No.	Zone	Total Population.	Percentage of Population
1	2	3	4
1.	Peshawar and D.I. Khan Divisions excluding Agencies, States and Tribal Areas and added and Special Areas adjoining settled districts	41,40,247	9.7
2.	Agencies, States and Tribal Areas and added and Special Areas adjoining settled districts (Table No. 12 published in Census Bulletin No. 2) ..	34,37,939	8.0
3.	Rawalpindi, Lahore, Sargodha, Multan and Bahawalpur Divisions	2,55,81,643	59.7
4.	Khairpur and Hyderabad Divisions	64,24,668	15.0
5.	Quetta and Kalat Divisions and Lasbella District ..	12,51,837	2.9
6.	Karachi Division excluding Lasbella District ..	20,44,044	4.7

2. I am to request that this percentage of population should be strictly adhered to in future for direct recruitment of 80% vacancies of Class I and Class II services for the six Zones. The remaining 20% vacancies should be filled on the basis of merit from among candidates domiciled in any part of West Pakistan.

3. If any vacancy allocated to a zone cannot be filled from that region, it should be filled on merit from among candidates domiciled in any part of West Pakistan.

(S & G. A. Dept. letter No. SO-XIX-3 (6)/62, dated 12-10-62)

(2)

REPRESENTATION FOR UNDER DEVELOPED AREAS AND GRANT OF CONCESSIONS TO CANDIDATES BELONGING TO SUCH AREAS FOR THE PURPOSE OF APPOINTMENT TO VARIOUS SERVICES

In supersession of existing orders on the above mentioned subject, the Governor of West Pakistan, is pleased to order that—

(*i*) Five per cent of all West Pakistan vacanciesin Class I and Class II services to be filled by initial recruitment should be reserved for the candidates from the "backward areas".

(*ii*) The "backward areas" area defined to mean Quetta and Kalat Divisions (including Quetta Town), tribal areas of Peshawar and Dera Ismail Khan Divisions States of Amb, Chitral, Dir and Swat, and the former excluded areas of Dera Ghazi Khan and Upper Tanawal portion of Hazara District.

(*iii*) The above mentioned reservation will be tenable for 10 years in the first instance with effect from 8th November, 1957, the date on which the decision to reserve 5 per cent of the posts in Class I and Class II services was communicated to all Secretaries to Government.

(*iv*) In the case of recruitment to any Class I or Class II post, the relevant requisition to the Public Service Commission must specify that for 5 per cent of the vacancies, a panel of names to the extent of twice that number shall be forwarded to appointing authority, out of which appointment may be made in its discretion by the latter from amongst the candidates belonging to the backward areas. Provided that if the required number of candidates is not available to fill the reserved vacancies from the backward areas, the deficiency will be filled up in the next succeeding recruitment and so on.

(*v*) At the time of forwarding the requisition to the Public Service Commission for recruitment to such posts, the number of vacancies reserved for backward areas should be indicated in the proper column of the requisition form so that the Commission may recommend candidates separately for the reserved posts.

(*vi*) In order that even representation is provided to all "backward areas", the Public Service Commission should forward the names of the candidates applying from the "backward areas" who are considered to be suitable. The vacancies reserved for "backward areas" will be filled by the competent authority by selecting any suitable qualified candidate from any of the "backward areas". Thus, if a candidate is selected from the Peshawar tribal area, the competent authority may, for the subsequent reserved seat, select a candidate from the Baluchistan tribal area in its discretion, even though a candidate from the Peshawar tribal area may have been placed higher than him in order of merit by the Commission. Even representation to all the "backward areas" will be subject to the condition that suitable qualified candidates from these areas are available.

(*vii*) Steps should be taken to ensure that vacancies reserved for backward areas are filled by genuine candidates from those areas only. The authorities, who issue certificates to the candidates regarding their places of origin, should satisfy themselves about the ***bona fides*** of the candidates before issuing such certificates, and it should be impressed upon them that it shall be their personal responsibility to see that no outsider is certified as resident of a backward area.

(*viii*) The maximum age limit prescribed in the service rules for the various posts under the Provincial Government (gazetted as well as non-gazetted) should be relaxed by three years in case of candidates belonging to "backward areas".

(*ix*) In all cases, where an application fee is prescribed the candidates belonging to "backward areas" shall be required to pay only 1/4th of the prescribed amount.

(S & G. A. Dept. Memo.
No. SO-XII-2-184/61, dated 1-8-61)

Note:—See also item (6)

(3)

CANDIDATES BELONGING TO "BACKWARD AREAS"

In Government circular No. S O XII-2-184/61, dated 1st August 1961, Government have sanctioned certain concessions for candidates from the "backward areas" which have been defined therein. It has now been decided that for the purpose of giving the concessions, only those candidates from and resident in "backward areas" should be considered as eligible, who—

(a) had their parents permanently settled in a "backward area" before the 14th of August, 1947; or

(b) belong to one of the recognised tribes of the backward areas; and

(c) in the absence of candidates of requisite number belonging to either or both of the aforesaid categories, those who possess domicile certificate under the Citizenship Act.

2. Certificates of eligibility for categories (a) and (b) should originate with Deputy Commissioners/Political Agents and bear the counter-signatures of the Commissioners while those for category (c) should be issued by the District Magistrates as provided by the relevant law.

(S & G. A. Dept. Memo.
No. SO-XII-2-25/60,
dated 10-1-1962)

(4)

REPRESENTATIONS FOR UNDER-DEVELOPED AREAS AND GRANT OF CONCESSIONS TO CANDIDATES BELONGING TO SUCH AREAS FOR THE PURPOSE OF APPOINTMENT TO VARIOUS SERVICES

IN continuation of Services and General Administration Department's circular memorandum No. S.O. XII-2-184/61, dated 1st August 1961, the Governor of West Pakistan, is pleased to order that Las Bela District of Karachi Division should be treated as "backward area" for the purpose of the concessions sanctioned in the circular of 1st August, 1961.

(S & G A Dept Memo.
No. SO XII (S&GAD) 7--2/62,
dated 19-2-1962)

L (iv) 428—16

(5)

PROPORTIONAL REPRESENTATION OF ZONES IN CLASS I AND II SERVICES ON POPULATION BASIS.

I am directed to say that while implementing the regional representation formula, the Public Service Commission pointed out that serious difficulties were being experienced in applying the formula of zonal representation because the number of vacancies which arose at any one time was usually so small that they were not capable of division strictly in accordance with the formula. Secondly, there was a proposal that Bahawalpur Division and other backward areas of the former Punjab which do not enjoy the same educational facilities as the more advanced districts should be formed into a separate zone for direct recruitment to Class I and Class II services in the Province.

2. The question of implementing the regional representation formula was fully thrashed in the meetings of the Service Rules Sub-Committee, the Secretaries' Committee and the Council of Ministers. It has been decided that there should be a block of 26 vacancies which should be filled in accordance with the rotation given in para. 4. This also includes five vacancies to be filled on merit from candidates belonging to any part of West Pakistan. The formula concedes double weightage than its population to Quetta and Kalat Divisions and Lasbela district. Otherwise, it would be necessary to have a block of 50 vacancies instead of 26 vacancies. The former course was not considered to be practicable.

3. The Council of Ministers has also decided that the zone consiting of Rawalpindi, Sargodha, Lahore, Multan and Bahawalpur Divisions should be split up into two Zones, as follows:—

(1) Lahore Division, districts of Rawalpindi, Gujrat, Sargodha, Lyallpur, Multan and Montgomery.

(2) Bahawalpur Division and the districts of Muzaffargarh, Dera Ghazi Khan, Campbellpur, Jhelum, Mianwali and Jhang.

The revised population percentage of seven zones shall be as under:—

Name of Zone	*Population percentage*
(1) Quetta and Kalat Divisions and Lasbela district	2.9%
(2) Khairpur and Hyderabad Divisions ..	15.0%
(3) Lahore Division, districts of Rawalpindi, Sargodha, Lyallpur, Multan and Montgomery	41.8%
(4) Bahawalpur Division and the districts of Muzaffargarh, Dera Ghazi Khan, Compbellpur, Jhelum, Mianwali and Jhang	17.9%
(5) Agencies, States and Tribal Areas, including Added and Special Areas adjoining settled districts	8.0%
(6) Peshawar and Dera Ismail Khan Divisions, excluding Zone No. 5 ..	9.7%
(7) Karachi Division exlcluding Lasbela district	4.7%

A large number of Class I and Class II Service Rules and other Rules in which the regional representation formula applies, have been notified. These Rules provided six Zones. A Notification is being issued substituting the six Zones by seven Zones.

4. The block system of 26 vacancies of the seven Zones will be as follows:—

No. of Zone.	*Name of the Zone Merit Quota to be filled on all West Pakistan basis.*	*Rotation of a Block of 26 vacancies.*
	On all-West Pakistan basis	2
1	Quetta and Kalat Divisions and Lasbela district	1

No. of Zone.	*Name of the Zone Merit Quota to be filled on all West Pakistan basis.*	*Rotation of a Block of 26 vacancies.*
2	Hyderabad and Khairpur Divisions ..	1
3	Lahore Division, districts of Rawalpindi, Gujrat, Sargodha, Lyallpur, Multan and Montgomery	3
4	Bahawalpur Division, and the districts of Muzaffargarh, Dera Ghazi Khan, Compbellpur, Jhelum, Mianwali and Jhang	2
5	Agencies, States and Tribal Areas, including Added and Special Areas adjoining settled districts	1
6	Peshawar and Dera Ismail Khan Divisions excluding Zone No. 5 ..	1
7	Karachi Division excluding Lasbela district	1
	On all West Pakistan basis	2
2	Khairpur and Hyderabad Divisions ..	2
3	Lahore Division, districts of Rawalpindi, Gujrat, Sargodha, Lyallpur, Multan and Montgomery	3
4	Bahawalpur Division and the districts of Muzaffargarh, Dera Ghazi Khan, Campbellpur, Jhelum, Mianwali and Jhang	2
5	Agencies, States and Tribal Areas, including Added and Special Areas addjoining settled districts	1
6	Peshawar and Dera Isamil Khan Divisions, excluding Zone No. 5 ..	1
	On all West Pakistan basis	1

No. of Zone.	Name of the Zone Merit Quota to be filled on all West Pakistan basis.	Rotation of a Block of 26 vacancies.
3	Lahore Division, district of Rawalpindi, Gujrat, Sargodha, Layllpur, Multan and Motgomery	2
	Total ..	26

5. The Administrative Departments will report the direct recruitment vacancies of Class I (both senior and junior) and Class II services and other posts mentioned in para 6 to the Public Service Commission and these will be filled in accordance with the block system. This will be repeated after completing a cycle of 26 vacancies.

6. The zonal representation formula will apply to initial recruitment to Class I (senior and junior) and Class II vacancies and other unclassified posts equivalent in pay scale to these Classes, or any other service or post in which this formula is specially prescribed in the Service/Recruitment Rules.

7. I am to request that these instructions may kindly be complied with carefully in future.

(S&GA Dept letter
No. S.O. XVIII-3 (6)/62.
dated 19-5-64)

(6)

REPRESENTATION FOR 'UNDER DEVELOPED AREAS' AND GRANT OF CONCESSIONS TO CANDIDATES BELONGING TO SUCH AREAS FOR THE PURPOSE OF APPOINTMENT TO VARIOUS SERVICES

According to this Department's circular memo No. S.O. XII-2-184/61, dated the 1st August, 1961, 5% of all West Pakistan vacancies in Class I and Class II services to be filled by initial recruitment were to be reserved for the candidates from the "Backward Areas" which were defined in the circular. The circular further granted concessions in respect of age limit and application fee.

2. In view of the recommendation of the Provincial Re-organization Committee, as accepted by Government, the orders contained in the above-mentioned circular have undergone a change. The direct recruitment to all Class I and Class II vacancies has now to be made in accordance with the recommendations of the Committee, which have been incorporated in the relevant service rules. The following concessions sanctioned in the circular letter of 1st August, 1961 are, however, still effective:—

(1) The maximum age limit prescribed in the service rules for the various posts under the Provincial Government (Gazetted as well as non-Gazetted) should be relaxed by three years in the case of candidates belonging to "Backward Areas".

(2) In all cases, where an application fee is prescribed the candidates belonging to "Backward Areas" shall be required to pay only ¼th of the prescribed amount.

3. The following areas are declared as "Backward Areas" for the purpose of the two concessions mentioned above:—

(1) Whole of Quetta Division

(2) Whole of Kalat Division.

(3) Lasbela District of Karachi Division.

(4) Baluch Area of D. G. Khan District in Multan Division.

(5) Following areas of Peshawar Division:—

(i) Khyber Agency.

(ii) Kurram Agency.

(iii) Mohmand Agency.

(iv) Malakand Agency including protected areas and Bajaur.

(v) The States of Swat, Dir, Chitral and Amb.

(vi) Trible Areas attached to Peshawar, Kohat and Hazara Districts.

(vii) Merged Areas of Hazara and Mardan Districts and Upper Tanawal.

(6) Following Areas of D. I. Khan Division:—

(i) North Waziristan Agency.

(ii) South Waziristan Agency.

(iii) Shirani Area.

(iv) Trible Areas attached to D. I. Khan and Bannu Districts.

(S&GA Dept letter No. SOIV (S&GAD)-7-1/64, dated 22-6-64)

PART II

SECTION 2

L (iy) 428—17

(I)

REHABILITATION OF *EX*-ARMY PERSONNEL IN CIVIL POSTS

With a view to rehabilitating *ex*-army personnel in Civil Posts, the West Pakistan Government has taken the following decisions:—

(*a*) There should be no objection to the re-employment of *ex*-servicemen in Civil Posts provided they are considered suitable and possess the requisite qualifications. There should, however, be no reservation of vacancies for them except in class IV in which category 25% vacancies should be reserved for them.

(*b*) Whenever an *ex*-serviceman is re-employed, his previous service in the Armed Forces should count towards pension in accordance with the existing provisions of the Civil Services Rules. The Character Roll of the *ex*-serviceman seeking employment should, however, be obtained from the Army authorities.

(*c*) 50% of the posts in the Civil Defence Department should be reserved for *ex*-servicemen.

(*d*) If Officers, who held liens against non-gazetted civi appointments, go back to Civil Departments seeking gazetted posts, their service in the Army should be taken into consideration and they should be permitted to appear before the Public Service Commission for such (Gazetted) posts, after each case has been considered on merits by the Administrative Department concerned in consultation with the Finance Department.

(S. & G.A. Dept letter
No. S(R) 2-3/58-SOXIII,
dated 4-9-1959)

[illegible] CIVIL POSTS

[illegible] Government [illegible]

(ii) There would be no objection to the [illegible] in Civil Posts [illegible]

[illegible]

(iii) [illegible] in the Armed Forces [illegible] in accordance with the [illegible] Civil [illegible]

(iv) [illegible] in the Civil [illegible]

(v) [illegible]

(2)

REHABILITATION OF *EX*-ARMY PERSONNEL IN CIVIL POSTS

IN partial modification of West Pakistan Government letter No. S(R)2-3/58-S.O. XIII, dated the 4th September, 1959, on the subject noted above, it has now been decided that—

(*i*) 50 per cent of the vacancies in class IV service and 25 per cent of vacancies in the junior most posts in class III services should be reserved for *ex*-servicemen including *ex*-Army personnel.

(*ii*) All those *ex*-servicemen who were released in 1953 and thereafter with at least a "good" character may be considered eligible for Government service by relaxation of the maximum age limit prescribed for the post. The choice of selection as to suitability, etc., will rest wih the appointing authority.

(*iii*) Educational qualifications may be relaxed in the case of Commissioned Officers.

2. As regards the counting of military service for pension on their recruitment to civil posts in West Pakistan on or after the 14th October, 1955, they will be governed by the respective rules mentioned in F.D. circular letter No. F.D.SOI(SR)488/58, dated the 26th November, 1958, as the case may be. For those who had joined service in any of the integrating Province/Unit before the 14th October, 1955, they will be governed by the Civil Services Rules applicable to them before Integration.

(S.&G.A. Dept letter No. S(R)-2 3/58-S.O.XIII, dated 19-4-60 as amended by letter No. S(R)-1589/ 2-3/58-S. O. XIII, dated 17-8-61).

(3)

RE-INSTATEMENT IN CIVIL JOBS OF RESERVISTS WHO WERE DISCHARGED THEREFROM WHEN CALLED UP FOR PERIODICAL TRAINING

I am directed to state that reservists who are discharged from the Army are called up for periodical training and it is mostly once a year. The Government of Pakistan, Ministry of the Defence have desired that their employers, including Limited Companies and Industrial concerns, should spare them for this training and allow them to retain their liens whilst under-going such training and that they should not be rejected for employment merely because they have a reserve liability.

I am, therefore, to request you to ensure that instructions of the Government of Pakistan, Ministry of Defence are followed. Secretary to Government of West Pakistan, Industries & Commerce Department is requested to please ensure that in the larger national interest Limited Companies and Industrial concerns also observe the instructions of the Central Government.

(Home Dept letter
No. 10(1)/59/ASB (Rangers),
dated 13-9-1960)

(4)

EMPLOYMENT OF *EX*- ARMY OFFICERS IN GOVERNMENT DEPARTMENTS

THE undersigned is directed to say that the Ministry of Defence desire that they should be consulted in regard to the employment of released/retired military officers, in Civil posts under the various Ministries/Divisions. Accordingly, it has been decided that whenever any Ministry/Division, or any authority under them propose to employ a released/retired military officer as a result of an application made to them direct (and not through the Ministry of Defence) the Ministry of Defence should be consulted by the Ministry/Division, etc., concerned before such an officer is employed by them. The Ministry of Home Affairs, etc., are, therefore, requested kindly to bring this decision to the notice of all concerned under them for their information and guidance.

(S.&G.A. Dept endorsement
No. POL (SOV)-15-23/61,
dated 26-7-61 on Government of
Pakistan, President's Secretariat,
Establishment Division Memo.
No. 10/4/60-EXIII, dated 3-6-61).

(5)

REHABILITATION OF *EX*-ARMY PERSONNEL IN CIVIL POSTS

I AM directed to say that with the merger of Karachi Division with West Pakistan it has been decided that the concessions allowed in West Pakistan, Services and General Administration Department letter No. S(R)2-3/58-S.O.XIII, dated the 4th September, 1959, as modified by its letters No. S(R)2-3/58-S.O.XIII, dated the 19th April 1960 and S(R) 1589/2-3/58-S.O.XIII, dated the 17th August 1961, to *ex*-Army Personnel for their rehabilitation in the Civil Posts, may be made applicable to all Government Departments in the Karachi Division. It is requested that the instructions may kindly be followed.

(S.&G.A. Dept letter
No. S(R) 2469/2-3/58-S.O.XIII
dated 11-12-1961)

(6)

REHABILITATION OF *EX*-ARMY PERSONNEL IN CIVIL POSTS

With reference to sub-paragraph (ii) of paragraph I of West Pakistan, Services and General Administration Department's letter No. S(R)2-3/58-S.O.XIII, dated the 19th April 1960, on the subject noted above, I am directed to say that the maximum age limit prescribed for a post may be relaxed in the case of *ex*-Servicemen released in 1953 and thereafter to the extent of service rendered by the individual concerned in the Army *plus* the interval between the date of his release and the date of his re-employment in the Civil Department.

(S.&G.A. Dept letter
No. S(R) 2-3/58-S.O.XIII,
dated 11-1-1962)

(7)

EMPLOYMENT OF PAKISTAN ARMY RESERVISTS IN CIVIL DEPARTMENTS AND PRIVATE CONCERNS

I am directed to refer to this Ministry's letters No. 4362/452/A.G./Org-1, dated the 27th October, 1953 (copy enclosed for ready reference), No. 4362/687/Org-1(a)/312/D-2/59, dated the 26th January, 1959 and No. 4362/687/P.A-5(a)/326/D-2(b)/59, dated the 9th November 1959, on the above subject and to say that due to lapse of time it is probable that Civil Departments/private concerns to whom instructions may have been issued by the Provincial Governments, might have lost sight of those instructions. It is also likely that new limited companies/industrial concerns might have come into being since then. The reservists are being called up for training each year during January-June. I am, therefore, to request that fresh instructions may kindly be issued to all concerned asking them to relieve the reservists for periodical training and allow them to retain their liens whilst undergoing such training. It will also be appreciated if the new limited companies/industrial concerns are also instructed not to reject any reservist for employment for the reason of his having a reserve liability.

(S.& G.A. Dept endorsement No. POL (SOV)-10-1/59, dated 14-7-62 on Government of Pakistan, Ministry of Defence (Army Branch) letter No. 4362/742/P.A.-5(a)/2861/D-2B/62, dated 27-6-62)

Copy of letter No. 4362/452/A.G/Org-1, dated 27-10-53 from Government of Pakistan, Ministry of Defence.

I am directed to say that the Government of Pakistan have sanctioned the formation of the Pakistan Army Reserves, and a large number of Officers, Junior Commissioned Officers and other Ranks are being transferred to these Reserves.

In view of the prevailing circumstances in the country, it is expected that almost all of them would be searching for some sort of Civil employment with a view to supplementing their meagre amount of income to support themselves and their families in these hard days.

2. I am to suggest that Directors/Managers of existing and all new limited Companies/Industrial Concerns be pressed most strongly not to reject any Reservists for employment only because he has reserve liability, provided he is considered suitable otherwise, and there is a vacancy and to reserve upto 10% of employees quota for Armed Forces training, which will not exceed 60 days in any one year, or for recall to Army Service, as and when required by the Government in an emergency. Reservists should be allowed to retain their lien on appointment whilst undergoing military training and/or service.

3. The assistance of the Provincial Government in this matter would be of great assistance to this Ministry and to the formation of the Services Reserves, which are a vital part of the Defence and economy of the nation.

(8)

EMPLOYMENT OF *EX*-ARMY OFFICERS UNDER GOVERNMENT DEPARTMENTS AND VARIOUS STATUTORY BODIES

In continuation of this Department circular letter No. S(R)2-3/58-S.O.XIII, dated the 11th January, 1962, on the subject noted above, I am directed to say that the Central Government has desired that whenever the Provincial Government Departments and statutory bodies under their administrative control, propose to employ a released/retired army officer, as a result of an application made to them direct (not through the Ministry of Defence), the Ministry of Defence should be consulted by it. I am accordingly to request that the instructions of the Central Government may please be complied with strictly in every case.

(S.&G.A. Dept letter
No. S(R) 3007/2-3/58(I) S.O. XIII
dated, 17-11-1962)

EMPLOYMENT OF EX-ARMY OFFICERS UNDER GOVERNMENT DEPARTMENTS AND PUBLIC STATUTORY BODIES

In continuation of this Department circular letter No. S.R.D./S.S.O.X.III, dated the 11th January, 1962, on the subject noted above, I am directed to say that the Central Government have desired that whenever the Provincial Government Departments and Statutory Bodies under their administrative control propose to employ ex-released/retired Army officers, an application made to them in such cases (through the Ministry of Defence), the Ministry of Defence should be consulted by it. I am accordingly to request that the instructions of the Central Government may please be complied with strictly in every case.

(S.&G.A. Dept. letter
No. S(R) 2002/2-3/28(1) S.L. X10
dated, 17-11-1962)

(9)

REHABILITATION OF *EX*-ARMY PERSONNEL IN CIVIL POSTS

I am directed to refer to this Department's circular letter No. S(R)2-3/58-S.O. XIII, dated the 19th April, 1960, on the above-noted subject, and to say that a question had arisen as to the extent of relaxation of educational qualifications, permissible in the case of commissioned officers. According to Section 3 of Ordinance II of 1959, the Pakistan Military Academy can grant B.A. and B.Sc. degrees and certificates for F.A. and F.Sc., on successful completion of the appropriate course in the Academy. A gentleman cadet who enters the Academy after doing his F.A. or F.Sc. is granted a degree and a cadet who entry the Academy after passing the Matriculation examination is given a certificate of F.A. or F.Sc. As the law recognises the grant of degree and certificate by the Pakistan Military Academy, full recognition of these educational qualifications should be given, while considering the Army officers for employment in the civil posts. It has further been decided that in the case of those commissioned officers who have been granted Intermediate certificate by the Pakistan Military Academy, educational qualifications may be relaxed for their recruitment up to Class II civil posts. But such relaxation will not apply in the case of Class I posts.

2. In the case of commissioned officers who have retired and have not passed out from the Pakistan Military Academy, it has been decided that if a cadet entered the pre-Independence Academy after passing the Intermediate, he may complete for a service for which the minimum educational qualification is B.A. The other commissioned officers who entered an Academy after passing Matriculation should only be considered eligible for Class II posts. I am to request that these instructions may be followed in future for the purpose of recruitment of commissioned officers in civil posts.

(S.&G.A. Dept letter
No. S(R) 3369/2-3/58(I)
S.O.XIII, dated 4-1-1963)

(7)

REHABILITATION OF EX-ARMY PERSONNEL IN CIVIL POSTS

I am directed to refer to this Department's circular letter No. 5/12/58-S.O. XIII dated the 9th April, 1960, on the above-noted subject, and to say that a question had arisen as to the extent of relaxation of educational qualifications permissible in the case of commissioned officers. According to Section 5 of Ordinance II of 1959, the Pakistan Military Academy can grant B.A. and B.Sc. degrees and certificate for F.A. and F.Sc., on successful completion of the appropriate course in the Academy. A gentleman cadet who enters the Academy after passing F.A. or F.Sc. is granted a degree and a cadet who enters the Academy after passing the Matriculation examination is given a certificate of F.A. or F.Sc. As the law recognises the grant of degree and certificate by the Pakistan Military Academy, full recognition of these educational qualifications should be given while considering the Army officers for employment in the civil posts. It has further been decided that in the case of those commissioned officers who have been granted Intermediate certificate by the Pakistan Military Academy, educational qualifications may be relaxed for their recruitment up to Class II civil posts. But such relaxation will not apply in the case of Class I posts.

2. In the case of commissioned officers who have retired and have not passed out from the Pakistan Military Academy, it has been decided that if a cadet entered the pre-Independence Academy after passing the Intermediate, he may compete for a service for which the minimum educational qualification is B.A. The other commissioned officers who entered an Academy after passing Matriculation should only be considered eligible for Class II posts. I am to request that these instructions may be followed in future for the purpose of recruitment of commissioned officers to civil posts.

(S. & G.A. Deptt. letter
No. S(R) 3159/59/(1)
S.O.XIII dated 4-1-1961)

(10)

EMPLOYMENTS OF *EX*-SERVICEMEN IN GOVERNMENT DEPARTMENTS IN CLASS III AND IV CATEGORY

You are aware that the Government of West Pakistan have reserved 50 per cent of the vacancies in Class IV services and 25 per cent of vacancies in the junior most posts in Class III services, for *ex*-servicemen including *ex*-Army personnel. In this connection attention is invited to this Department Circular letter No. S(R)2-3/58-S.O.XIII, dated the 19th April, 1960. It has now been brought to the notice of Government that these instructions are not being observed. In order to ensure compliance with these instructions, it has been decided that all departments should submit quarterly returns in the attached form. The first return for the quarter ending the 30th September, 1963, should reach this Department by the 15th October, 1963, at the latest.

(S.&G.A. Dept Memo
No. S(R)2223/2-17/63-S.O.XIII,
dated 12-8-1963)

PROFORMA

QUARTERLY RETURN REGARDING THE EMPLOYMENT OF *EX*-SERVICEMEN IN GOVERNMENT DEPARTMENTS FOR THE QUARTER ENDING ____________

Serial No.	Designation of the appointing authority (with his name in brackets)	Number of vacancies which occurred in		Number of ex-Servicemen appointed in		If appointment of ex-Servicemen falls below the required percentage, the reasons therefor
		Junior most posts in Class III	Class IV posts	Junior most posts in Class III	Class IV posts	
1	2	3	4	5	6	7

Note—This return should be consolidated in each Administrative Department of the Secretariat before submission to the Services and General Administartion Department.

(ii)

EMPLOYMENT OF *EX*-SERVICEMEN IN GOVERNMENT DEPARTMENTS IN CLASS III AND IV CATEGORY

REFERENCE this Department's circular memo. No. S(R) 2223/2-17/63-S.O. XIII, dated the 12th August, 1963, on the subject noted above.

2. The quarterly returns prescribed therein are to be sent to the Administrative Department concerned who should please forward it in a consolidated form to Services and General Administration Department by the due date.

(S.&G.A. Dept Memo
No. S(R) 3357/2-17/63 S.O.XIII,
dated 19-9-1963)

(12)

EMPLOYMENT OF *EX*-SERVICEMEN IN CLASS III AND IV CATEGORY

IN continuation of this Department letter No. S(R)2-3/58-S.O.XIII, dated the 19th, April, 1960, I am directed to say that in order to make effective the reservation for *ex*-servicemen, Government has decided that instructions issued in this Department letter No. S.O. XII (S&GAD)/3-14/62, dated the 30th October, 1963, will not apply in the case of vacancies reserved for *ex*-servicemen. However, first preference should be given to *ex*-servicemen belonging to the district or the division and the remaining reserved vacancies should be thrown open to other *ex*-servicemen irrespective of their domicile.

(S&GA Dept Memo
No. S(R) 591/2-22/63-S.C. XIII,
dated 2-3-64)

PART II

Section 3

(I)

FACILITIES FOR THE ABSORPTION OF DISPLACED GOVERNMENT SERVANTS FROM INDIA IN SERVICE UNDER THE GOVERNMENT OF WEST PAKISTAN AND GRANT OF BENEFIT OF PAST SERVICE TO SUCH PERSONS

THE Governor of West Pakistan is pleased to direct that:—

(*i*) the service rendered by the displaced Government servants from India employed under the Government West Pakistan should be counted for the purpose of pension if the following conditions are fulfilled:—

(*a*) they should have served the Government of India or a Provincial Government or a State Government in India in pensionable posts and the service rendered by them under such Government in India would have earned them pension under the rules, which were prevalent there at that time;

(*b*) they should have been employed by one of the integrating units, with effect from a date not later than the 31st December 1949;

(*c*) they were not entitled to receive any pension at the time they left service in India;

(*d*) they continued to serve the Provincial Government or the former integrating unit Government continuously till the date of their superannuation;

(*e*) they were not appointed in Government service after their superannuation for the first time.

(*ii*) The displaced Government servants employed under the Provincial Government should be placed in seniority lists or cadres according to the date on which they were appointed in that service of cadre.

(S.&GA Dept Memo
No. S(R)- 5-3/57/S.O. XVI,
dated 9-12-57)

(I)

FACILITIES FOR THE ABSORPTION OF DISPLACED GOVERNMENT SERVANTS FROM INDIA IN SERVICE UNDER THE GOVERNMENT OF WEST PAKISTAN AND GRANT OF BENEFIT OF PAST SERVICE TO SUCH PERSONS

The Governor of West Pakistan is pleased to direct that—

(i) the service rendered by the displaced Government servants from India employed under the Government of West Pakistan should be counted for the purpose of pension if the following conditions are fulfilled:—

(a) they should have served the Government of India or a Provincial Government or a State Government in India in pensionable posts and the services rendered by them under such Governments in India would have earned them pension under the rules, which were prevalent there at that time;

(b) they should have been employed by any of the appointing authorities with effect from a date not later than the 31st December, 1949;

(c) they were not entitled to receive any pension at the date they left service in India;

(d) they continued to serve the Provincial Government or the former integrating units' Government continuously till the date of their superannuation;

(e) they were not appointed in Government service after their superannuation for the first time.

(ii) The displaced Government servants employed under the Provincial Government should be placed in seniority lists or cadres according to the date on which they were appointed in their respective cadres.

(S&GAD Letter [illegible]
No. [illegible]
dated [illegible])

(2)

GRANT OF PENSIONARY BENEFITS TO DISPLACED GOVERNMENT SERVANTS

I am directed to refer to Services and General Administration Department letter No. (SR) 5-3/57/S.O. XVI, dated the 9th December 1957 regarding grant of Pensionary Benefits to displaced Government servants and to say that the Governor of West Pakistan is pleased to lay down the following detailed instructions with regard to the conditions of eligibility and the procedure for sanctioning the pensions:—

(1) *Definitions*—(a) Prescribed States/Provinces means the Provinces and States forming part of India and the States of Hyderabad, Junagadh and Kashmir.

(b) Previous Service means the pensionable service rendered by displaced Government servants in the prescribed States/Provinces before their migration to Pakistan.

(c) Rules in force in West Pakistan means the rules prescribed by the Government of West Pakistan or the rules of the integrating unit in which the Government servant was first appointed, whichever may be applicable to him.

(2) Displaced Government servants will be entitled to count their previous services towards pension under Government of West Pakistan provided that—

(i) Their services were terminated by the prescribed States/Provinces after 3rd June 1947 either by dismissal, discharge or resignation.

(ii) They were appointed to the service of one of the integrating units in West Pakistan before 1st January 1951.

(iii) The service rendered in the prescribed States/Provinces was pensionable under the rules of the Province/State concerned.

(iv) They have not received nor are likely to receive a pension from the prescribed State/Province in respect of service rendered under their Provinces/States.

(v) They had not superannuated at the time of their first appointment in West Pakistan.

(vi) Their service in West Pakistan has been continuous from the date of first appointment to date of retirement.

(3) The service rendered in the prescribed Provinces/ States will qualify for pension as if the service was rendered under the Government of West Pakistan, subject to the condition that only such portion of the previous service as was rendered in permanent post will qualify for pension. Service as probationer will qualify if followed by confirmation. Temporary service will be excluded.

(4) In case the service rendered in West Pakistan is temporary, the service will be treated as qualifying for pension in conjunction with previous pensionable service.

(5) Leave taken with or without allowances during previous service should be counted towards pension in accordance with rules in force in West Pakistan.

(6) The break in service occurring between termination of employment by the prescribed State/Province and first appointment in West Pakistan should be treated as condoned.

(7) A displaced Government servant claiming the benefit of his previous pensionable service should furnish a statement showing the details of the service to the authority competent to sanction his pension in West Pakistan. The statement should be accompanied by—

(a) Documentary evidence such as service book, extract from history sheet or other equivalent records.

(b) A statement of leave taken on full pay or half average pay or without pay, unless this information is already available in the service records.

(c) A certificate that no pension in respect of the previous service was sanctioned or will be sanctioned by the prescribed Provinces/States. In case the records mentioned at (a) are not available, a written statement of the Government servant concerned should be taken on plain paper accompanied by the testimony of two contemporary Government servant as contemplated in clause (iv) of Article 915 (a) of the Civil Service Regulations and the corresponding rules of other integrating units. No correspondence should be undertaken with the authorities of States whose acccession is in dispute.

The authority competent to sanction the pension should check the statement and forward it to the Accounts Officer concerned after authentication. The statement so authenticated should be accepted by the audit and a note may be made in the current history book or the service book of the Government servant concerned.

(8) As the annual establishment returns in respect of the previous service of displaced Government servants are not available in West Pakistan, the prescribed check of pensionable service against establishment returns is not possible. This requirement is, therefore, specifically waived.

(9) Any cases not covered by the specific provisions made above may be dealt with under the relevant rules in force in the area in which a displaced Government servant joined service after migration in consultation with the Accounts Officer concerned.

(10) The concessions allowed under these orders will be admissible to all Government servants who were in service under any of the Provincial/State Government now forming part of West Pakistan on or prior to 31st December, 1950 including those who retired before the issue of S. & G. A. D. circular letter No. S (R)-5-3/57/S. O. XVI, dated 9th December 1957.

In such cases, however, the monetary benefit will be allowed only from 9th December 1957.

(Finance Dept letter No. 1196-SOE (Pens)-58, dated 23-7-58, as amended by letters No. 1677-SOE (Pens)-58, dated 10-11-58, No. 32-SOE (Pen) 59, dated 13-4-59 and No. 434-SOE (Pens)-59, dated 5-5-59)

L (iv) 428—21

should check the entries relating to the Pensioning Officer concerned after verification. The statement so authenticated should be recorded in the service book and a note may be made in the current facility book/in the service book of the Government servant concerned.

(8) As the normal conditions of entitlement to gratuity and the previous service of displaced Government servants are not verifiable in the usual manner, the normal check of pensionable service before sanction of gratuity or pension is not possible. This requirement is therefore specifically waived.

(9) Any cases not covered by the specific provisions made above may be dealt with under the relevant rules in force in the areas in which a displaced Government servant served earlier after consultation with the Accounts Officer concerned.

(10) The concessions authorised under these orders will be admissible to all Government servants who were in service under any of the Provincial/State Governments now forming part of West Pakistan on or prior to 31st December, 1959 including those who retired before the issue of S. A. G. A. B. circular letter No. S (D&S)/57/N. O. (SW), dated 9th December 1957.

In such cases, however, the monetary benefit will be allowed only from 9th December 1957.

(Finance Dept. letter No. 1126-SOR (Pen)-58, dated 21-7-58, as amended by letters No. 1677-SOR (Pen)-58, dated 10-11-58, No. 32-SOR (Pen) 59, dated 13-4-59, and No. 434-SOR (Pen)-59, dated 26-5-59.)

L(iii)438—21

(8)

GRANT OF PENSIONARY BENEFITS TO DISPLACED GOVERNMENT SERVANTS

I am directed to invite a reference to sub-paragraph (10) of the circular letter No. 1196-SOE (Pens)-58, date the 23rd July, 1958, which lays down that in the case of Government servants who retired before the 9th December, 1957, monetary benefits will accrue, with effect from the 9th December, 1957 only and not from the date of actual retirement. It has been found that this provision places such officials who have retired up to the 8th December, 1957, but whose service under the West Pakistan Government is for less than 10 years in disadvantageous position vis-a-vis those whose service under the West Pakistan Government would be for 10 years or more. To illustrate the point a concrete case is cited below:—

A Police Head Constable (who falls under the category of a displaced Government servant) retired on superannuation pension, with effect from the 21st May, 1955. According to the provisions of sub-paragraph (10) of the circular mentioned above he is entitled, with effect from the 21st May, 1955, to pension admissible to him for his service under the West Pakistan Government alone and, with effect from the 9th December, 1957, to pension admissible to him for his entire service, vis., including his former service in India. His service under the West Pakistan Government alone works out to be less than 10 years and as such he becomes entitled to gratuity only and not to any pension on the 21st May, 1955. On the other hand his entire service inclusive of the earlier service in India works out to be more than 30 years by virtue of which he becomes entitled to full pension and gratuity admissible to him under the New Pension Rules. As gratuity admissible on the 21st May, 1955 is payable for life, it will have to be deducted from the gratuity admissible to him on the 9th December, 1957. By doing so he will actually be paid nothing for the period from the 21st May, 1955 to the 8th December, 1957. In case, however his service under the West Pakistan Government alone had been for more than 10 years he would have been paid pension at the admissible rates for his service under the West Pakistan Government for the period from the 21st May, 1955 to the 8th December,

1957, and from the 9th December, 1957 onwards at the rates admissible for his entire service. In the later case he would have also been paid gratuity admissible to him on the 21st May, 1955 under the New Pension Rules plus the difference of the amounts of gratuity admissible as on the 21st May, 1955, and on the 9th December, 1957.

2. With a view to safeguarding the interests of such officials it has been decided that in all similar cases gratuity admissible on the date of retirement should be taken as the commuted value of pension and the monthly pension on which that commuted value is due worked out. The pension thus worked out should be paid to them for the period from their date of retirement to the 8th December, 1957, and at full rates from the 9th December, 1957 onwards in accordance with the length of service inclusive of the previous service rendered in India.

3. In sub-paragraph (7) (c) of the Finance Deptt. circular letter under reference the words "clause 4 of Article 9 (a)" may be substituted by the words "clause (iv) of Article 915 (a)".

(Finance Dept letter
No. 32-SOE (Pen)/59,
dated 13-4-59).

(4)

FACILITIES FOR THE ABSORPTION OF DISPLACED GOVERNMENT SERVANTS FROM INDIA IN SERVICE UNDER THE GOVERNMENT OF WEST PAKISTAN AND GRANT OF BENEFIT OF PAST SERVICE TO SUCH PERSONS

IN partial modification of instructions contained in this Department's Memorandum No: S(R)5-3/57/S-O. XVI, dated the 9th December, 1957, on the subject noted above, the Governor of West Pakistan is pleased to direct that the facilities allowed therein to displaced Government servants will be admissible to those displaced Government Servants who have been employed by any of the Integrating Units with effect from the date not later than the 31st December, 1950.

(S.&G.A. Dept Memo.
No. S(R) 1436/5-3/57
S.O.-XIII,
dated 12-5-1959

(5)

GRANT OF PENSIONARY BENEFITS TO DISPLACED GOVERNMENT SERVANTS

I am directed to refer to sub-paragraph (3) of Finance Department circular letter No. 1196-S.O.E. (Pens.)-58, dated the 23rd July 1958 on this subject in which it was stated that only permanent service will be qualifying service and temporary service should be excluded and that service as "probationer" will be qualifying, if followed by confirmation. It has now been decided that temporary service, if it was followed by confirmation, may also be allowed to count for purposes of the orders mentioned in the circular letter under reference, provided that it would have counted under the rules of the Province/State in India to which it was rendered.

2. Cases which might have been finalised under the previous orders may be reviewed in the light of these orders.

(Finance Dept letter
No. 1019-SOE (Pens)-62,
dated 19-11-62).

(6)

FACILITIES FOR THE ABSORPTION OF DISPLACED GOVERNMENT SERVANTS FROM INDIA IN SERVICE UNDER THE GOVERNMENT OF WEST PAKISTAN AND GRANT OF BENEFIT OF PAST SERVICE TO SUCH PERSONS

WILL the Social Welfare and Local Government Department please refer to its U.O. reference No. 6340-C&T-57,dated the 17th January, 1958, on the subject noted above, enquiring whether the displaced Government Servants should be placed in seniority list from the date of their appointment in Pakistan or in India.

2. According to this Department Circular letter No. S.R 5-3/57/S.O.XVI, dated the 9th December, 1957, the displaced Government Servants employed under the Provincial Government should be placed in the seniority list or cadre according to the date on which they were appointed in that service or cadre. This means that past services of the displaced Government Servants in India are not to be counted for the purpose of seniority here.

(S.&G.A. Dept
No. S(R)-9-3/58,
dated 19-2-1958)

FACILITIES FOR THE ABSORPTION OF DISPLACED GOVERNMENT SERVANTS FROM INDIA IN SERVICE UNDER THE GOVERNMENT OF WEST PAKISTAN AND GRANT OF BENEFIT OF PAST SERVICE TO SUCH PERSONS

Vide the Social Welfare and Local Government Department's (then) D.O. reference No. 9040-LG-57, dated the 17th January, 1958, on the subject noted above, conveying [illegible] the displaced Government Servants should be taken [illegible] seniority from the date of their appointment in Pakistan in India.

2. According to the Establishment Central Circular letter No. 5/8/52-S.O.A.VI, dated the 9th December, 1953, the displaced Government servants employed under the Provincial Government should be placed in the seniority list in order according to the date on which they were appointed in their service or cadre, except that past services of the displaced Government servants in India are not to be counted for the purpose of seniority here.

(S.&G.A. Dept.
No. 8070—S/48,
dated 19-7-1958)

(7)

FIXATION OF PAY OF THE DISPLACED GOVERNMENT SERVANTS FROM INDIA ON APPOINTMENT UNDER THE PROVINCIAL GOVERNMENT

THE question of laying down a policy for granting advance increments to those displaced Government Servants from India, who were given no option to join service under the Provincial Government and who were so appointed after independence on their exodus from India, has been under the consideration of Government. As in some cases the displaced Government Servants from India were not appointed to the same posts but to different posts with different nature of duties and pay scales and on varying terms and conditions from those in India, it is not possible to lay down a rigid formula for fixation of pay on their appointment under the Provincial Government. In fact, in certain cases the displaced Government Servants on appointment under the Provincial Government had already been granted advance increments on the merit of each case, in consideration of their age, experience and the previous pay drawn by them in India. It has, therefore, been decided that where displaced Government Servants on appointment under the Provincial Government were granted the minimum of the pay scale of the post, without taking into account higher pay, if any, drawn by them in India, the question of refixation of pay may be examined by the Administrative Department concerned in each case and referred to the Finance Department. Those cases where advance increments have already been sanctioned by competent authority need not, however, be re-opened.

2. Information in the following proforma should be furnished while referring the case to the Administrative Department and Finance Department :—

(1) Name

(2) Date of birth

(3) Qualifications

(4) First appointment in Pakistan—

(*a*) Date; (*b*) Post; (*c*) Pay scale; (*d*) Pay allowed.

(5) Present post—

(*a*) Date; (*b*) Post; (*c*) Pay scale; (*d*) Pay allowed.

(6) Previous service in India—

(*a*) Post held immediately before partition.

(*b*) Pay scale.

(*c*) Pay drawn.

(*d*) Total length of service.

(7) Nature of post offered regarding post held and pay drawn before partition.

3. Cases of those, who are no longer in service, on the date of the circular, should not be re-opened.

4. These orders will apply also to cases of displaced Government Servants who took up employment under the former Sind Government. Such cases may be considered under these orders provided they were not allowed advance increments under the Sind Government orders.

5. The increased pay that may be allowed under these orders will be fixed from 1st October 1955, but arrears will be paid from 1st April 1958.

(S. & G.A.Dept Memo
No. S (R) 9-2/58/S.O. XVI,
dated 9-7-58)

PART II

SECTION 4

(I)

SAFEGUARDING THE INTERESTS OF CENTRAL GOVERNMENT SERVANTS PLACED UNDER THE CONTROL OF THE PROVINCIAL GOVERNMENT OR RENDERED SURPLUS AS A RESULT OF THE RE-ORGANIZATION OF THE CENTRAL GOVERNMENT IN THE LIGHT OF THE NEW CONSTITUTION

I am directed to state that the question of safeguarding the interests of the Central Government servants whose service are placed under the control of the West Pakistan Government consequent upon the re-organization of the Central Government in the light of the new Constitution has been under the consideration of the Provincial Government. In this connection, the following decisions have been taken in consultation with the Central Government in respect of the Central Government servants whose services have been or may be placed under the control of the Provincial Government :

1. *Abolition of posts under the Central Government*:

With effect from the date on which the services of Government servants concerned are placed under the control of the Provincial Government and no longer required by the Central Government, all posts held by them under that Government, irrespective of whether they are permanent or temporary posts, shall be abolished.

2. *Creation of posts and fixation of pay/pay scales under the Provincial Government*:

As a result of the abolition of the posts mentioned in para (1) above, the Central Government servants transferred to the Provincial Government who will be appointed to posts which the Provincial Government may create or which already exist under the Provincial Government will be paid the same pay as they were last paid under the Central Government in the same scale of pay which was payable to them in the Central Government. The pay scales in such cases will be personal to the incumbents so long as they continue to hold those posts.

3. ***Terms and conditions of service of the staff transferred to Provincial Government :***

(*i*) PAY ON PROMOTION :

On promotion to higher posts in the Province however, they shall be governed by the Provincial rules pertaining to pay scales attached to such posts, subject to the condition that in cases where the pay of the lower post which they held under the Central Government at the time of their transfer to the Province is higher than the basic pay of the higher post to which they are promoted, their initial pay in the Provincial scales of the higher posts shall not be lower than the pay last drawn by them at the time of their transfer to the Province and the difference between the pay so admissible and the pay in the new scales shall be treated as personal pay to be absorbed in future increments.

(*ii*) CONFIRMATION :

Permanent Government servants and staff recruited through regular channels of recruitment, but not yet confirmed because the posts against which they were working had, for some reasons, not been placed on a permanent footing, would after transfer be eligible for confirmation against Provincial posts in their own scale of pay as and when permanent posts are available in accordance with rules to be prescribed by the Provincial Government and on the fixation of seniority and other relevant matters. However, permanent Government servants pending confirmation against permanent posts would continue to enjoy all the privileges and benefits accruing to them as confirmed hands.

(*iii*) SENIORITY :

Their seniority in a grade vis a vis the Provincial Government servants in that grade shall be determined with reference to their respective dates of continuous appointment to that grade.

For this purpose, "grade" may be defined broadly as consisting of a number of posts of the same category in the same class of service carrying the same duties and responsibilities and in a common scale of pay or in a comparable scale of pay.

(*iv*) JOINING TIME, PAY AND T.A. ADMISSIBLE AT THE TIME OF TRANSFER :

They shall be paid joining time pay and travelling allowance as admissible to them on transfer for the journey, if any, performed from the last place of their posting under the Central Government to the place where they are posted by Provincial Government.

(*v*) PROVIDENT FUND ACCOUNTS :

The total accumulation, with interest, in the Provident Fund Accounts of the Government servants concerned would be transferred to the administrative control of the Provincial Government with effect from the date of transfer of Government servants concerned; after transfer they will be governed by the Provincial Government Provident Fund Rules.

(*vi*) LEAVE AND PENSION :

They will be given option to elect by the 31st January, 1964 or within a period of one month from the date of transfer to be governed either by the existing rules under the Central Government or by the Provincial Government's rules relating to leave and pension. The option once exercised shall be final. If option is not exercised within the prescribed period, the official shall be considered to have opted for the existing rules under the Central Government. The option in the case of Gazetted Officer should be reported direct to the Audit Officer and in the case of the non-gazetted staff, it should be got pasted in the Service Book. Pensionary liabilities in such cases would be shared by the Central and Provincial Government in proportion to the period for which the Government servants concerned have served the *respective Government.*

(*vii*) MEDICAL FACILITIES:

They shall be entitled to medical facilities, as admissible under the Provincial Government's rules.

(*viii*) ADMISSIBILITY OF TRAVELLING AND OTHER ALLOWANCES AFTER TRANSFER :

They shall be entitled to travelling and compensatory allowances, House Rent Allowance and Washing Allowance etc., as admissible under the Provincial Government's rules.

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(*ix*) EXPATRIATION ALLOWANCE AND T.A. CONCESSION:

If a Government servant is transferred to a Province other than that to which he belongs he shall be entitled to Expatriation Allowance and T. A. concession as admissible to Central Government Servants belonging to one zone and serving in the other.

4. *Option to retire* :

A Government servant whose permanent post under the Central Government has been abolished and who does not accept employment under the Provincial Government on the terms mentioned above, shall be allowed to retire on Compensation Pension as if he was discharged from service owing to the abolition of his permanent post without suitable alternative employment being provided to him. The option to retire on compensation pension shall be exercised and communicated by the Government servant concerned to the Head of his Department by the 5th May, 1963 or within a period of one month from the date of transfer, failing which it shall be assumed that he has accepted employment under the Provincial Government on the terms specified above.

5. *Termination of services of temporary Government servants* :

The services of the temporary Government servants other than those covered by sub-para (3) (*ii*) above, who do not accept employment under the Provincial Government on the terms specified above shall be terminated and they shall not be entitled to any pension or other compensation in any form.

2. It is requested that these decisions may now be implemented immediately.

(S. & G. A. Dept letter No. S.O.XX. (S. & G. A. D.) 13-1/63, dated 5-4-63, substituted by letter of the same No. and date issued with S.& G.A.D. No. O. & M. (IC)—2/63, dated 14-1-64).

PART III

Section I

(I)

DELAY IN THE ISSUE OF POSTING ORDERS IN RESPECT OF OFFICIALS ON RETURN FROM LEAVE

A case has come to Government's notice in which the posting orders of an official were issued by the Head of a Department nearly four months after the date on which he reported for duty on return from leave. This resulted not only in unnecessary extra expenditure to Government, in that a temporary post had to be created to meet the officer's salary for the period involved, but also caused considerable inconvenience to all concerned.

2. The desirability of issuing timely posting order in such cases cannot be over-emphasised. It should be ensured that orders of posting are invariably issued and received by the official before the expiry of his leave. These instructions should be carefully followed. If these are disregarded the officers concerned may be called upon to make good the loss to which Government may be put.

(S. & G. A. Dept Memo
No. S. (R) 21-52/56-S.O. XIII,
dated 6-6-57).

(2)

EXTENSION IN JOINING TIME.

I am directed to say that of late Finance Department has noticed that proposals are rapidly increasing for the extension of joining time to regularize delays in issuing posting orders of Government servants on the ground of administrative difficulties. Examination of these proposals showed that normally the plea of administrative difficulties was not existent and that the delays were due to negligence on the part of the Departments in taking timely decisions. As in such cases Government servants concerned cannot be made to suffer for no fault of theirs, the result was that Government had to suffer an unmerited loss involved in payment of salaries for periods for which the Government servants had not worked. Government in the Finance Department has taken a serious note of this situation and desires that it may be brought to the notice of all officers that in future such omissions on the part of the Government Departments and of officers will be seriously taken notice of and officials responsible for such negligence will be held responsible for losses to Government.

(Finance Dept letter,
No. 1022-SR-VI-64,
dated 9-6-64.)

(3)

TRANSFERS

1. I AM directed to invite a reference to the Services and General Administration Department letter No. 871-Integ-55/4471, dated 25th November, 1955, in which the decisions regarding the integration of various provincial and subordinate service cadres were communicated.

2. In paragraphs 9 and 10 of the above letter, officers and staff belonging to certain provincial and subordinate services of the integrating units were grouped into sub-cadres. Their liability to transfer from one Group Area to another was, however, not indicated in that letter.

3. Although Government has the statutory power to transfer Government servants throughout West Pakistan, it has been decided for the time being that, for administrative convenience, this power should be excercised within certain well-defined limits.

4. For this purpose, the gazetted officers will fall into three categories:

(*i*) *Officers belonging to any one of the integrated provincial services who are grouped within sub-cadres*;

(*ii*) *Officers of the integrated services who are not so grouped*; *and*

(*iii*) *Officers who do not belong to any of the intergrated provinical services.*

5. It has been decided that gazetted officers falling in category (*i*) in paragraph 4 above should not, ordinarily, be transferred from one Group Area to another below the levels indicated in cloumn 3 of the annexure to this letter.

6. Officers falling within categories (*ii*) and (*iii*) in paragraph 4 above are transferable throughout West Pakistan.

7. Non-gazetted officials, who are grouped in term of paragraph 10 of the Services and General Administration Department letter No. 871-Integ-55/4471, dated 25th November, 1955, should, ordinarily, be transferable within the Group Area. Other subordinate personnel should, normally be transferable within the area to which their cadre extends.

8. All Government servants are, however, liable to be transferred to the West Pakistan Secretariat or the headquarters offices of the Heads of Attached Departments.

9. It is requested that, in ordering transfers, these instructions may be kept in view.

(S&GA Dept letter
No. Integ-5/2-57,
dated 27-6-57)

ANNEXURE

(*Paragraph 5*)

1	2	3
Serial No.	Service	Level at and above which transfers will take place throughout West Pakistan.
1	THE WEST PAKISTAN CIVIL SERVICE (EXECUTIVE BRANCH)	Deputy Commissioner and equivalent posts
2	THE WEST PAKISTAN CIVIL SERVICE (JUDICIAL BRANCH)	District and Sessions Judge and equivalent posts
3	THE WEST PAKISTAN POLICE SERVICE	Superintendent of Police and equivalent posts
4	THE WEST PAKISTAN ENGINEERING SERVICE	Superintending Engineer
5	THE WEST PAKISTAN EDUCATION SERVICE	Class I Officers
6	THE WEST PAHKISTAN HEALTH SERVICE	Deputy Director and Class I Officers holding posts of Principal, Professor and Assistant Professor.
7	THE WEST PAKISTAN PRISONS SERVICE	Senior Superintendent and equivalent posts
8	THE WEST PAKISTAN AGRICULTURAL SERVICE	Class I Officers.
9	THE WEST PAKISTAN CO-OPERATIVE SERVICE	Class I Officers
10	THE WEST PAKISTAN FOREST SERVICE	Class I Officers
11	THE WEST PAKISTAN EXCISE AND TAXATION SERVICE	Class I Officers
12	THE WEST PAKISTAN ANIMAL HUSBANDRY SERVICE	Class I Officers

(4)
TRANSFERS

With reference to the Services and General Administration Department's letter No. Integ: 5/2/57, dated the 27th June, 1957, I am directed to say that consequent upon the reorganization of Departments/Services, and in accordance with the accepted recommendations of the Provincial Reorganization Committee, it has been decided, in supersession of the existing orders on the subject, that, although provision either exists or is being made in the various service rules empowering Government to transfer a Government servant to any place in West Pakistan or to serve in any Department of Government or in any local authority or statutory body set-up or established by Government, Government officials of lower grades drawing small salaries and engaged on work requiring intimate knowledge of local areas should not be transferred outside their regions both on administrative and humane considerations.

2. For the purposes of Class II services and equivalent posts in departments falling in category 'B' (in which there is no Head of Attached Department outside the Secretariat) the Regions shall be as specified in Annexure I. For the subordinate services and posts in departments falling in this category, the limit of transferability will be the jurisdiction of the appointing authority, if the latter is lower in status than the regional head.

3. The departments falling in categories 'A' and 'C', are requested to send their proposals regarding the limit of the zone of transferability of the officers in such departments holding class II or lower posts.

4. In the case of P.C.S. (Executive and Judicial), other than P.C.S. officers holding posts of Deputy Commissioners and District and Sessions Judges, the regions for the purposes of this circular shall be as under :—

1. Peshawar and D.I. Khan Division and the Tribal Areas falling in these Divisions.
2. Rawalpindi, Lahore, Sargodha, Multan and Bahawalpur Divisions.
3. Khairpur and Hyderabad Divisions.
4. Karachi Division.
5. Quetta and Kalat Divisions.

5. Officers in P.C.S. and Class I should be assigned to the regions on semi-permanent basis, according to the preferences to be obtained for the purpose, on the analogy of those required to be obtained from members of the class II and III services, vide paragraph 2 of this Departments letter No. 3/(1)/62-PR-IC, dated the 17th January, 1962. Officers in this category will ordinarily be transferred to other Regions only after they have obtained a fairly high grade, indicated in column 2 of the Annexure to Chapter IV of the Provincial Reorganization Committee's Report (Annexure II).

6. Members of Class I Services (below the level of transferability) and Class II services may, however be transferred outside their Regions in the following circumstances only:—

(*i*) to man posts at the Provincial headquarters. It is desirable that the Secretariat and the attached department headquarters should be representative of different regional interests; and

(*ii*) to ensure equality in the promotion prospects of Government servants serving in the various regions. This equality will not be maintained if a class II Officer, due for promotion to Class I, is not transferred when a vacancy exists, although it happens to fall outside his region.

7. "Transferring authority" in each case has been prescribed separately in the West Pakistan (Civil Services) Delegation of Powers Rules, applicable to the Department/ Service concerned.

8. If any difficulty is experienced by any department in carrying out these instructions, the same may please be brought to the notice of Government.

(S&GA Dept letter
No. 3/8/-AR
dated 4-7-62).

ANNEXURE—I

List of Regional Offices of Category 'B' Departments, *viz*,. the Offices for which no Heads of Attached Departments outside the Secretariat have been appointed.

S. No.	*Name of Secretariat Department.*	*Name of Regional Offices.*	*Jurisdiction.*
		I—AGRICULTURE	
1.	Agriculutre Department.	1. Director of Agriculture, Hyderabad.	Hyderabad, Khairpur, Karachi and Quetta and Kalat Divisions.
		2. Director of Agriculture, Lahore.	Lahore, Sargodha, Multan and Bahawalpur Divisions.
		3. Director of Agriculture, Peshawar.	Peshawar, Dera Ismail Khan and Rawalpindi Divisions.
		II—ANIMAL HUSBANDRY	
		1. Director of Animal Husbandry, Peshawar.	Peshawar and Dera-Ismail Khan Divisions.
		2. Director of Animal Husbandry, Lahore.	Lahore, Rawalpindi and Sargodha Divisions.
		3. Director of Animal Husbandry, Multan.	Multan and Bahawalpur Divisions.
		4. Director of Animal Husbbandry, Quetta.	Quetta and Kalat Divisions.
		5. Director of Animal Husbandry, Hyderabad.	Hyderabad, Khairpur and Karachi Divisions.
		III—FOREST	
		1. Chief Conservator of Forests, Hyderabad.	Hyderabad, Khairpur and Karachi Divisions.
		2. Chief Conservator of Forest, Quetta.	Quetta and Kalat Divisions.
		3. Chief Conservator of Forests, Multan	Multan and Bahawalpur Divisions.
		4. Chief Conservator of Forests, Lahore.	Lahore, Sargodha and Rawalpindi Divisions.
		5. Chief Conservator of Forests, Peshawar.	Peshawar and Dera-Ismail Khan Divisions.
			(The exact jurisdication of these offices, however, runs according to the jurisdiction of Forest Divisions placed under each C.C.F.)

ANNEXURE I—(*contd*).

List of Regional Offices of Category 'B' Departments, *viz.*, the Offices for which no Heads of Attached Departments outside the Secretariat have been appointed.

S. No.	*Name of Secretariat Department.*	*Name of Regional Offices.*	*Jurisdiction.*
		I—BUILDINGS AND ROADS	
2.	Communications and Works Department	1. Chief Engineer, B and R Peshawar.	Peshawar, Abbotabad and Bannu Circles.
		2. Chief Engineer, B and R Lahore.	Rawalpindi Circle, Lahore Circle, Lahore Construction Circle. Lahore Public Health Circle. Sargodha, Provincial Circle.
		3. Chief Engineer, B and R Bahawalpur.	Bahawalpur Circle, Multan Circle and Lyallpur Circle. Multan Construction Circle.
		4. Chief Engineer, B and R Hyderabad.	Hyderabad Buildings Circle. E. and M. Circle. Hyderabad Road Circle Hyderabad Public Health Circle. Sukkur Roads Circle.
		5. Chief Engineer, B and R. Quetta.	Quetta Circle, Kalat Circle and Karachi Provincial B and R Circle.
		II—TOWN PLANNING	
		1. Director, Town Planning, Peshawar.	Peshawar, Dera Ismail Khan and Rawalpindi Divisions.
		2. Director, Town Planning, Lahore.	Lahore, Multan Sargodha and Bahawalpur Divisions.
		3. Director, Town Planning, Hyderabad.	Hyderabad, Khairpu Karachi, Quetta and Kalat Divisions.

List of Regional Offices of Category 'B' Departments, viz., the Offices for which no Heads of Attached Departments outside the Secretariat have been appointed.

S. No.	Name of Secretariat Department.	Name of Regional Offices.	Jurisdiction.
3.	Co-operation, Labour and Social Welfare Department.	1. Registrar, Co-operative Societies, Lahore.	Lahore and Rawalpindi Divisions.
		2. Registrar, Co-operative Societies, Lahore.	Multan, Bahawalpur and Sargodha Divisions.
		3. Registrar, Co-operative Societies, Peshawar.	Peshawar and Dera Ismail Khan Divisions.
		4. Registrar, Co-operative Societies, Hyderabad.	Hyderabad and Khairpur Divisions.
		5. Registrar, Co-operative Societies, Quetta.	Quetta and Kalat Divisions.
		6. Registrar, Co-operative Societies, Karachi.	Karachi Division.
4.	Education Department.	1. Director of Education, Peshawar.	Peshawar and Dera Ismail Khan Divisions.
		2. Director of Education, Rawalpindi.	Rawalpindi and Sargodha Divisions.
		3. Director of Education, Lahore.	Lahore, Multan and Bahawalpur Divisions.
		4. Director of Education, Hyderabad.	Hyderabad and Khairpur Divisions.
		5. Director of Education, Karachi.	Karachi Division.
		6. Director of Education, Quetta.	Quetta and Kalat Divisions.

TECHNICAL EDUCATION

		1. Director of Technical Education, Peshawar.	These offices have not started functioning yet.
		2. Director of Technical Education, Karachi	
		3. Director of Technical Education, Lahore.	

ANNEXURE I—(*contd.*)

List of Regional Offices of Category 'B' Departments, *viz.*, the Office for which no Heads of Attached Departments outside the Secretariat have been appointed.

S. No.	*Name of Secretariat Department.*	*Name of Regional Offices.*	*Jurisdiction.*
5.	Finance Department.	1. Examiner, Local Fund Audit, Lahore.	Lahore Division.
		2. Examiner, Local Fund Audit, Sargodha.	Sargodha and D. I. Khan Divisions.
		3. Examiner, Local Fund Audit, Multan.	Multan Division.
		4. Examiner, Local Fund Audit, Peshawar.	Peshawar and Rawalpindi Divisions.
		5. Examiner, Local Fund Audit, Bahawalpur.	Bahawalpur and Khairpur Divisions.
		6. Examiner, Local Fund Audit, Karachi.	Karachi, Hyderabad and Quetta and Kalat Divisions.
6.	Food Department.	1. Deputy Director, Food, Peshawar.	Peshawar and Dera Ismail Khan Divisions.
		2. Deputy Director, Food, Lahore.	Lahore, Rawalpindi and Sargodha Divisions.
		3. Deputy Director, Food, Multan.	Multan and Bahawalpur Divisions.
		4. Deputy Director, Food, Karachi.	Karachi, Division.
		5. Deputy Director, Food, Hyderabad.	Hyderabad and Khairpur Divisions.
		6. Deputy Director, Food, Quetta.	Quetta and Kalat Divisions.
7.	Health Department.	1. Director of Health Services Peshawar.	Peshawar and Rawalpindi Divisions.
		2. Director of Health Services Lahore.	Lahore and Multan Divisions.
		3. Director of Health Services Sargodha.	Dera Ismail Khan and Sargodha Divisions.
		4. Director of Health Services Khairpur.	Bahawalpur and Khairpur Divisions.
		5. Director of Health Services Hyderabad.	Hyderabad and Karachi Divisions.
		6. Director of Health Services Quetta.	Quetta and Kalat Divisions.

ANNEXURE I—(*contd.*)

List of Regional Offices of Category 'B' Departments, *viz.*, the Offices for which no Heads of Attached Departments outside the Secretariat have been appointed.

S. No.	*Name of Secretariat Department.*	*Name of Regional Offices.*	*Jurisdiction.*
8.	Home Department.	1. Director of Prisons, Peshawar.	Peshawar, Dera Ismail Khan and Rawalpindi Divisions.
		2. Director of Prisons, Bahawalpur.	Lahore, Multan, Bahawalpur and Sargodha Divisions.
		3. Director of Prisons, Hyderabad.	Khairpur, Hyderabad, Karachi, Quetta and Kalat Divisions.
9.	Irrigation and Power Department.	1. Chief Engineer, Irrigation, Sargodha.	Upper Jhelum Circle. Lower Jhelum Circle L.C.C. (West) Circle. L.C.C. (East) Circle. Thal Circle. Drainage Circle.
		2. Chief Engineer, Irrigation, Peshawar.	Northern Irrigation Circle. Central Irrigation Circle. Southern Irrigation Circle.
		3. Chief Engineer, Irrigation, Lahore.	U.C.C. Circle. Link Circle. L.B.D. Circle. Mechanical Circle. Drainage Circle. Depalpur Circle.
		4. Chief Engineer, Irrigation, Bahawalpur.	Muzaffargarh Canal Circle. Haveli Canal Circle. Rahimyarkhan Circle. Bahawalpur Circle. Baghdadul-Jadid Canal Circle. Nilibar Circle.
		5. Chief Engineer, Irrigation Sukkur.	Nara Canal Circle. Western Sind Circle Northern Sind Circle Rohri Canal Circle. Khairpur Irrigation Circle Mech. Circle.
		6. Chief Engineer, Irrigation, Quetta.	Quetta Circle and Kalat Circle.
		Electrical Inspectorate.	
		1. Electrical Inspector Lahore.	Lahore and Rawalpindi Divisions.
		2. Electrical Inspector, Peshawar.	Peshawar & Dera Ismail Khan Divisions.
		3. Electrical Inspector, Multan.	Multan, Bahawalpur and Sargodha Divisions.
		4. Electrical Inspector, Hyderabad.	Khairpur, Hyderabad, Quetta & Kalat Divisions,
		5. Electrical Inspector, Karachi.	Karachi Division.

ANNEXURE I—(*concld.*)

List of Regional Offices of Category 'B' Departments, *viz.*, the Offices for which no Heads of Attached Departments outside the Secretariat have been appointed.

S. No.	*Name of Secretariat Department.*	*Name of Regional Offices.*	*Jurisdiction.*
10.	Information Department.	1. Director of Information, Karachi.	Karachi Division.
		2. Director, Information, Peshawar.	Peshawar, Dera Ismail Khan and Rawalpindi Divisions.
		3. Director, Information, Multan.	Multan, Sargodha and Bahawalpur Divisions.
		4. Director, Information, Hyderabad.	Hydrabad and Khairpur Divisions.
		5. Director, Information, Quetta.	Quetta and Kalat Divisions.

ANNEXURE—II

Department.	Grade of Transferability for Class I Officers; from one Region to another.
1. Agriculture	.. Director/Deputy Dirctor.
2. Animal Husbandry	.. Director.
3. Anti-Corruption	.. S. P./Assistant Director.
4. Buildings and Roads	.. Superintending Engineer.
5. Cooperative	.. Registrar.
6. Education	.. Director.
7. Electricity	.. Inspector.
8. Fisheries	.. No senior Class I officer in the regions.
9. Food	.. Deputy Director.
10. Forest	.. Conservator.
11. Game	.. No senior Class I officer in the regions.
12. Health	.. Director.
13. Industries	.. Deputy Director.
14. Information	.. Director.
15. Irrigation	.. Superintending Engineer.
16. Jails	.. Director.
17. Judiciary	.. District Judge.
18. Labour	.. Deputy Director.
19. Local Fund Audit	.. Examiner.
20. Law	.. ——
21. Police	.. S.P.
22. Public Health Engineering	.. Superintending Engineer.
23. Printing and Stationery	.. No senior Class I officer in the regions.
24. Revenue	.. Deputy Commissioner.
25. Savings Organization	.. No Class I officer in the regions.
26. Town Planning	.. Director

(5)

POLICY REGARDING POSTING OF OFFICERS TO THEIR HOME DISTRICTS

In supersession of all previous orders on the subject noted above in force in the various integrating units, the Government of West Pakistan have decided that normally gazetted officers shall not be posted to their home districts. Each Attached Department should, however, make out a list of posts in regard to which this ban may be relaxed and send it to the Government in the Administrative Department for approval.

2. The Headquarters (and the Secretariat) Establishment, as well as the office establishment under the Regional Heads, shall be excluded from the ban.

(S&GA Dept Memo.
No. S.(R)-2-19/57/ SOXIII
dated 4-9-57).

(6)

POLICY REGARDING POSTING OF OFFICERS TO THEIR HOME DISTRICTS

I am directed to refer to this Department's circular No. S(R)-2-19/57-SO:XIII, dated the 4th September, 1957, on the subject noted above, and to say that it has been brought to the notice of Government that a number of Gazetted officers are posted in their home districts, especially in the Hyderabad Division. According to the instructions under reference, no gazetted Government servant can be posted to his home district, unless special permission has been granted by the Government in the Administrative Department concerned. I am to request that all cases of this nature should be reviewed and where necessary, Government approval should be obtained and in other cases, the officers posted to their home districts, should be transferred, to other districts.

(S &GA Dept letter
No. SOXII (S &GAD)-8-7/63,
dated 10-4-63)

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(7)

POLICY REGARDING POSTING OF OFFICERS TO THEIR HOME DISTRICTS

I am directed to say that instructions on the subject mentioned above were issued by Government in this department circulars No. S(R)-2-19/57-SOXIII, dated the 4th September 1957 and SOXII(S&GAD)-8-7/63, dated the 10th April 1963. Information gathered in connection with Assembly Questions shows that Government instructions, according to which gazetted Government servants should not be posted in their home districts without the permission of Government/in the Administrative Department concerned, have been contravened in a large number of cases. I am to request that steps may be taken forthwith to transfer all gazetted officers from their home districts and a report may be submitted to this department by the Ist October, 1963 confirming that these instructions have been complied within all cases.

2. In cases where it is considered necessary to make exceptions the circumstances justifying such action should be stated clearly in respect of each officer separately. Government would be prepared to relax the general principle only in exceptional circumstances and not as matter of routine. Such references should be made to the Administrative Department concerned.

3. This may please be treated on top priority basis and every effort should be made to comply with Government instructions and to submit reports by the date specified above. Receipt of this letter may kindly be acknowledged.

(S&GA Dept letter No.
SOXII (S&GAD)-8-35/63,
dated 10-8-63)

(8)

POLICY REGARDING POSTING OF OFFICERS TO THEIR HOME DISTRICTS

I am directed to refer to this Department's circular No. S (R)-2-19/57-S.O.XIII, dated the 4th September, 1957 and to say that a question has been raised as to whether Regional Heads or Officers equivalent to Regional Heads can be posted to a Region, which also includes their Home Districts. Government have decided that the instructions forbidding the posting of Gazetted Officers in their home districts would not apply in the case of officers belonging to the said categories.

(S&GA Dept letter
No. SOXII (S&GAD)-8-7/63,
dated 31-12-63).

(9)

POLICY REGARDING POSTING OF OFFICERS TO THEIR HOME DISTRICTS

I am directed to state that in Government circulars referred to in the margin, Government have laid down the following policy regarding posting of officers to their home districts:—

1. No. S(R)-2-19/57-S.O XII, dated 4th September 1957.
2. No. XII (S&GAD-8-7/63, dated 10th April, 1963.
3. No. S.O. XII (S & GAD)-8-35/63, dated 10th August, 1963.
4. No. S.O. XII (S & GAD)-8-7/63, dated 31st December, 1963.

(i) Normally, Gazetted Officers shall not be posted to their home districts;

(ii) Each Attached Department should make out a list of posts in regard to which this ban may be relaxed and send to Government in the Administrative Department for approval;

(iii) The headquarters (and the Secretariat) Establishment as well as the office establishment under the Regional Heads shall be excluded from the ban;

(iv) The general principal can be relaxed only in exceptional circumstances and not as a matter of routine. Such references should be made to the Administrative Department concerned.

(v) The policy would not apply to Regional Heads.

2. Some of the Departments feel that the policy does not suit their requirement or it is difficult to apply in certain cases. The reaction of the various departments was placed before the Secretaries' Committee for consideration and decision whether the existing policy needs any modification and if so to what extent.

It is felt that the existing instructions adequately provide for the exceptions and wherever the Administrative Department feels that the ban should not apply in certain cases, necessary orders can be passed assigning reasons for the same. The Secretaries' Committee felt that no changes in the existing policy were called for at present. In the circumstances, the principles contained in the circulars referred to above stand and should be followed.

(S&GA Dept letter
No. SOIV (S&GAD)-8-1/64,
dated 21-5-64)

(9)

POLICY REGARDING POSTING OF OFFICERS TO THEIR HOME DISTRICTS

I am directed to state that in Government Circulars referred to in the margin, Government have laid down the following policy regarding posting of officers to their home Districts:—

1. [illegible] dated [illegible] September, [illegible].
2. [illegible] dated [illegible] April, [illegible].
3. [illegible] dated 10th August, [illegible].
4. [illegible] dated [illegible] October, [illegible].

(i) Normally, Gazetted Officers shall not be posted to their home Districts.

(ii) Each Attached Department should make out a list of posts in regard to which this ban may be relaxed and send to Government in the Administrative Department for approval.

(iii) The Headquarters (and the Secretariat) Establishment as well as the office establishment under the Regional Heads shall be excluded from the ban.

(iv) The general principle can be relaxed only in exceptional circumstances and not as a matter of routine. Such references should be made to the Administrative Department concerned.

(v) The policy would not apply to Regional Heads.

2. Some of the Departments feel that the policy does not suit their requirement or it is difficult to apply in certain cases. The reaction of the various departments was placed before the Secretaries' Committee for consideration and decision whether the existing policy needs any modification and if so to what extent.

It is felt that the existing instructions adequately provide for the exceptions and wherever the Administrative Department feels that the ban should not apply in certain cases necessary orders can be passed explaining reasons for the same. The Secretaries' Committee felt that no changes in the existing policy were called for at present. In the circumstances, the principles contained in the circulars referred to above stand and should be followed.

(SGA Dept letter No. SOIV (SGAD/S.1/61, dated 21-8-61)

(10)

TRANSFERS

I am directed to say that instructions have been issued from time to time through circular letters noted in the margin, regarding transfers of Government officials. In supersession of these circulars, the following instructions are issued on a consolidated basis:—

(1) Circular memo/endorsement No. S-12/5-CB/55, dated the 29th March 1957.
(2) Circular letter No. S. VIII-12-77/58, dated the 3rd January 1959.
(3) Circular letter No. S. VIII-12-77/58 dated the 11th March 1959.
(4) Circular No. S. VIII-12-77/58, dated the 20th August 1960.
(5) Copy of office memo No. 6 (21)/60-EIX, dated the 8th October 1960.
(6) Letter No. S. VIII-12-77/55, dated the 8th November 1960.
(7) Copy of letter No. Gen. Cord. 21/41/60, dated the 10th November 1960.
(8) Circular letter No. S. VIII-12-77/58, dated the 8th January 1961.

(1) The normal term of posting of Divisional/Regional/District Officers,as laid down in the note below Schedule V of the Rules of Business of Government of West Pakistan, 1955 is three years. According to paragraph 17 of the Rules of Business, the Services and General Administration Department is to be consulted if it is proposed to transfer the holder of a tenure post before the completion of his tenure or extend his period of tenure. But generally, these instructions are not being complied with. It is requested that there should be no departure from these instructions in furture.

(2) Any officer under orders of transfer should no be allowed leave for any period except by the authority to whose control he is transferred.

(3) On transfer an officer should not be permitted to evade the orders on the plea that his next station of posting is inconvenient to him.

(4) Normally an officer on transfer should be allowed to avail himself of joining time and telegraphic orders disallowing this should be avoided.

(S. & G. A. Dept: letter
No. SO XII-3-39/61,
dated 9.12.61.)

(11)

TRANSFERS

I am directed to refer to this Department's letter No. SOXII (S. and G.A.D.)-3-39/61, dated the 9th December 1961 on the subject noted above, and to say that an issue has arisen whether it is necessary to refer to the Services and General Administration Department cases of transfer of district officers who have not completed their tenure of office. The matter has been considered by this department and it has been decided that the tenure posts can only be said to be those posts which have been mentioned in the main body of Schedule VI of the West Pakistan Government Rules of Business, 1962. The posts mentioned in the notes in this Schedule are not tenure posts. It is not, therefore, necessary to refer to the Services and General Administration Department cases of transfer of officers enumerated in the two notes, if the transfer becomes necessary in Public interest, before the prescribed period. However, Government hopes that ordinarily premature transfers will not be ordered and Government policy to keep officers at one station for a reasonable period will be observed. Secretaries of the Administrative Departments are requested to ensure that this policy is followed as far as possible

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(S. & G. A. Dept: letter
No. SO XII (S. and G.A.D.) 3-39/61,
dated 24-9-62).

[illegible]

It has been decided to review [illegible] Department letter No. SGO [illegible] and G.A.D. [illegible] dated the 9th December [illegible] [illegible] and to say that [illegible] Services and General [illegible] tenure of office. The [illegible] and it has been [illegible] be those posts which [illegible] in the main body of Schedule VI of the [illegible] Government Rules of Business, 1975. The [illegible] in this Schedule [illegible] and tenure [illegible] the Services [illegible] each Department [illegible] cases of transfer of [illegible] the rules if the tenure becomes [illegible] before the prescribed period. [illegible] Government [illegible] Government policy [illegible] reasonable period will be observed. [illegible] of the Administrative Departments are requested [illegible] that this policy is followed as far as possible.

S. & G. A. Deptt. letter
No. SGO [illegible] and G.A.D.) [illegible]
(dated [illegible])

(12)

TRANSFERS

I am directed to refer to this Department's letter of even number, dated the 9th December, 1961, in which instructions were issued regarding the tenure of posts of District Officers and others. The Rules of Business of Government of West Pakistan, 1962 also lay down that the normal terms of posting of district officers stationed at D. I. Khan, D. G. Khan, Jacobabad and the Districts of Kalat (except Kalat) shall be two years.

These instructions should please be noted for compliance.

(S. & G. A. Dept: letter
No. SO XII (S. and G.A.D.)-3-39/61,
dated 4-4-63)

(13)

POSTING OF GOVERNMENT SERVANTS

A QUESTION has arisen whether husband and wife should be posted at one station, when both of them are Government servants.

2. There may be stations where such postings are not possible. There may be circumstances which may not be favoured for posting both husband and wife at one station due to an individual's capacity or other circumstances. When using the discretion to transfer Government servants, the competent authorities are expected to take into account the circumstances of the Government servant as well as the exigencies of service. Government have, therefore, decided that normally the competent authority should make an effort to post husband and wife at one station, unless it is not administratively practicable.

(S. & G. A. Dept: letter
XII (S. and G. A. D.) 2-127/61
dated 5-2-62)

(14)

ADVANCE INFORMATION OF TRANSFERS

I am directed to say that the question of giving advance notice to Government servants regarding their proposed transfers from one station to another has been considered by Government. Obviously, it is not possible to lay down a rigid rule on the subject as a Government servant may have to be transferred in some cases on short notice due to exigencies of service. At the same time, it is a fact that transfers on short notice do cause considerable inconvenience to Government servants as they have little time to settle their private affairs. The Provincial Government have, therefore, decided that, as far as possible, advance information should be given to the officers concerned and, in particular, to arrange for transfer of their children to appropriate schools at their new place of posting, regarding their transfers, which should ordinarily take place on the expiry of their normal term. I am to request that these instructions should be followed in future.

(S. and G. A. Dept letter
No. SO XII-3-39/61,
dated 15-1-63)

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(15)

POSTINGS AND TRANSFERS-CANVASSING FOR

It has come to the notice of the Government that there is a growing tendency among officers to try and secure postings of their own choice. It has further been noticed that whenever officers are transferred to what they consider 'indifferent' districts or stations, they resort to making representations and canvassing through unrecognized sources. It must be remembered that Government orders postings and transfers entirely in public interest and any attempt to get round such orders is tantamount to indiscipline. It is, therefore, impressed upon all concerned that transfer orders must be complied with promptly and invariably; and any attempt to obstruct, delay or avoid postings/transfers ordered by the Government, would, in future, be dealt with severely as an act of indiscipline.

(S. & G. A. Dept Memo
No. SC.-1-12/63 (C. S. P.),
dated 2-7-63)

PART III

SECTION 2

(I)

DEPUTATION OF GOVERNMENT SERVANTS

In supersession of all previous orders on this subject, Government are pleased to order that no gazetted Government servant should be deputed to the Central Government or on "foreign service" without the permission of the Chief Minister in the case of the C.S.P., P.S.P., P.C.S. (Executive) and P.C.S. (Judicial), and of the Minister concerned in the case of other Services.

(S&GA Dept Memo.
No. SR-2-32/56,
dated 20-9-56)

(2)

FIXATION OF PAY OF OFFICIALS ON DEPUTATION FROM ONE DEPARTMENT TO ANOTHER

The question of fixation of pay of officials on deputation from one Department to another has been under consideration of Government. There are four categories of such cases:—

(*i*) a temporary official being deputed to a temporary post in another depatment;

(*ii*) a temporary official being deputed to a permanent post in another department;

(*iii*) a permanent official being deputed to a temporary post in another department; and

(*iv*) a permanent officail being deputed to a permanent post in another department.

2. It has been decided that so far as the first two categories are concerned the lien of the temporary official in the parent department should not be retained. In such cases the transfer should be deemed to be final and the pay of the official in the second department be fixed in the pay scale prescribed for the post in question. The Public Service Commission should be consulted in such cases, if necessary, in accordance with the West Pakistan Public Service Commission (Limitation of Functions) Regulations. On promotion to higher post in the new department, the pay of such official should be fixed in accordance with the normal rules.

3. In cases falling in the third category, the lien of the official should be retained in his parent department and on deputation he should be allowed the pay of the post in his parent department. When there is any increase in his work or responsibilities in the borrowing department or his deputation is to a remote locality or is to a station which is unhealthy and unusually expensive, he can in consultion with the Finance Department be allowed such special pay or compensatory allowance as may be considered to be justified. The pay of the official should not be fixed in the scale prescribed for the post in the borrowing department. If such official is promoted to a higher post in the borrowing department, he should continue to draw his pay in the parent

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department *plus* deputation allowance and the pay of the higher post in the borrowing department will not be admissible. When he is due for promotion in the parent cadre he may be allowed promotion in his parent department and thereafter his pay in the borrowing department should be re-fixed on the basis of pay in the parent department. The special pay or the compensatory allowance allowed to him, if any, will have to be reviewed at that time. If the pay including special pay of an officer as determined on the basis of his pay in the parent department is higher than the maximum of the pay scale prescribed for the post in the borrowing department, the official should invariably be reverted to his parent department.

4. In case of appointments to permanent posts in the borrowing department, an attempt should invariably be made to recruit officials direct and through the Public Service Commission, if necessary. In such a case a serving Government servant may be permitted to apply and if he is finally selected for the post, his pay should be fixed in the scale prescribed in the borrowing department. In due course, when he is confirmed, his lien in the parent department should be terminated. He will be allowed the pay of the post in the borrowing department. An official should be taken on deputation in a permanent post in a very rare case. In such a case his pay may be fixed as indicated for officials falling under category (iii). The period of such deputation should, however, not exceed six months in any case.

(Finance Dept Memo.
No. E(L)-1(21)/58,
dated 24-7-58).

(3)

DEPUTATION OF ARMY OFFICERS TO CIVIL DEPARTMENTS

I am directed to say that some requests have been received, during the last few weeks, from civil departments, asking for the services, on deputation, of certain army officers, who were specified by name. This practice is not desirable, as it tends to affect the Army discipline. When the services of a particular Army Officer are asked for, the presumption in the GHQ arises that the Army Officer concerned has made a suggestion to that effect to the civil department. The normal practice in the GHQ is that in such a case, the particular Army Officer is not spared, and is, on the other hand, called upon to explain why he suggested his own name to a civil department for a particular post. It is requested that, in future, whenever services of Army Officers are required for civilian posts, the department concerned should merely indicate the nature of job to be done, the qualifications required of the officer, and the terms and conditions offered, and should leave the selection to the GHQ. If a suitable officer is then available, his name would be communicated to the civil department. The services of no officer should be asked for by name.

(S&GA Dept. Endorsement No. POL (SOV)-10-6/59, dated 4-6-59 on Government of Pakistan, Ministry of Defence, letter No. 0316/108/MS2/1782JS (R), dated 25-5-59).

(4)

FIXATION OF TERMS AND CONDITIONS OF SERVICE OF GOVERNMENT SERVANTS DEPUTED TO SERVE UNDER "AUTHORITIES" AND OTHER STATUTORY BODIES CONSTITUTED BY THE PROVINCIAL GOVERNMENT

The question of fixation of terms and conditions of service of Government servants deputed to serve under Authorities and other Statutory Bodies constituted by the Provincial Government has been under the consideration for some time past. Such bodies generally maintain their funds distinct from Government balances. As such, service under such Authorities is technically regarded as "foreign service". As the number of such Authorities constituted by Provincial Government is on the increase and progressively a large number of Government servants are likely to be employed by them, the whole problem of deputation of Government servants to serve under such bodies has been reviewed. Since such bodies are being financed almost entirely by Government and for all practical purposes they are merely agencies of Government with wide delegation of powers, there is no justification for increasing the emoluments of Government servants deputed to serve under such Authorities merely on technical ground that the service under the Authorities is regarded as "foreign service".

In the circumstances the Governor of West Pakistan has been pleased to pass the following orders:—

(i) On deputation to service under statutory authorities constituted by the West Pakistan Government servants are more onerous under the any higher emoluments than the emoluments admissible to them in Government service as a matter of course.

(ii) If the duties and responsibilities of the Government servants are more onerous under the Authority than under the Government a special pay may be allowed after obtaining the concurrence of Government by the Authority or Statutory Body.

(iii) As regards compensatory allowances, each case may be examined on merits and house-rent allowance, trevelling allowance, conveyance

allowance or any other such allowance may be sanctioned by the Authority only after obtaining the concurrence of Government.

These orders apply to all Government servants deputed for service under Authorities and other Statutory Bodies constituted by Provincial Government including those already on deputation.

(Finance Dept. Memo.
No. 1337-PF-59,
dated 1-1-60).

(5)

FIXATION OF TERMS AND CONDITIONS OF SERVICE OF GOVERNMENT SERVANTS DEPUTED TO FOREIGN SERVICE

I am directed to say that under the West Pakistan (Civil Services) Delegation of Powers Rules, 1962, powers have been delegated to an appointing authority to fix the pay of a Government servant in foreign service, subject to the conditions mentioned therein. Orders governing the fixation of terms and conditions of service of Government servants deputed to foreign service under semi-autonomous organizations were also issued in Finance Department circular letter No. 1337-PF-59, dated the 1st January, 1960 (Annexure).

2. Some cases have come to the notice of Finance Department in which the discretion granted in the delegated powers has not been exercised with due regard to financial propriety. Cases have also come to notice where the terms of deputation were not settled before deputation with the result that considerable amounts were overdrawn by the Government servants on deputation.

3. I am, therefore, directed to draw your attention to the orders mentioned above and to request that the discretion given by the delegation order may be exercised carefully and the terms of deputation should always be fixed before commencement of deputation.

(Finance Dept letter No. FD-SO(SR III)/13/5-PF/62-3/63 dated 11-1-63).

(6)

SELECTION OF DEPUTATIONISTS FROM GOVERNMENT SERVANTS TO THE AUTONOMOUS BODIES

I am directed to say that at present, the selection of deputationists from Government Departments for the autonomous bodies is not being done on a uniform basis. In order to ensure a uniform policy for selection of deputationists to the autonomous bodies, Government has decided to set up a Personnel Selection Committee. The Committee will be presided over by the Additional Chief Secretary, Services and General Administration Department. The representatives of the lending Departments and the borrowing organizations, shall be its members. All cases of initial selection of deputationists will be referred to this Committee. The selection will be made in accordance with the rules prescribed for promotion from one Class or grade to another. The principle of seniority-cum-fitness or selection on merit in the case of selection posts shall be the basis of such appointments.

2. The autonomous bodies to which an officer has gone on deputation, shall have the power to promote him to a higher post in that body but such promotion would not entitle the officer to claim a similar post on reversion under the Government. The autonomous bodies will, however, inform the lending Departments of each promotion so that the lending departments might raise objection, if any, to such promotion within one month from the receipt of such order. Such objections will also be considered and disposed of by the Personnel Selection Committee.

3. This procedure will apply to all Government servants on deputation to any of the autonomous bodies except for the Chairman and Members of such bodies, who are governed by specific terms of appointment laid down in President's Secretariat (Establishment Division) Memo No. 7/8/61-CV, dated the 21st February, 1963, which are applicable equally to officials and non-officials holding posts of Chairman and Members in the autonomous bodies.

4. I am to request that these instructions may kindly be complied with immediately.

(S&GA Dept letter
No. SOXII (S&GAD)-2-86/63,
dated 21-2-64).

(7)

SELECTION OF DEPUTATIONISTS FROM GOVERNMENT SERVANTS TO THE AUTONOMOUS BODIES

I am directed to refer to this Department's circular letter No. SOXII (S&GAD)-2-86/63, dated the 21st February, 1964, on the subject noted above, and to say that the procedure laid down in this circular should be strictly complied with before the officers are allowed to go on deputation from Government Departments to the Autonomous Bodies. As soon as a request is received from an Autonomous Body for deputing Government servants, the Administrative Department should make a reference to the Services and General Administration Department (Regulations Branch) about the person to be deputed. All such cases should be accompanied by the confidential record of the officer concerned alongwith the seniority list of the officers within the range of selection. In case it is intended to ignore senior officers, the reasons for ignoring them may also be indicated

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(S&GA Dept letter
No. SOXII (S&GAD)-2-86/63,
dated 2-4-64)

(8)

SELECTION OF DEPUTATIONISTS FROM GOVERNMENT SERVANTS TO THE AUTONOMOUS BODIES

In continuation of this Department's circular letter of even number dated the 2nd April, 1964, I am directed to say that from the references made by the Administrative Departments to the Personnel Selection Committee it appears that the criterion for the selection of deputationists to the autonomous bodies has not been fully appreciated. In this connection, I am to invite your attention to this department's circular letter of even number dated the 21st February, 1964 in which it was explained that the selection of deputationists should be made in accordance with the rules laid down by Government for promotion from one class or grade to another. The vacancies in the autonomous bodies are to be treated as vacancies in a Government department and filled on the principle of seniority-cum-fitness or selection on merit, as the case may be, according to the provision in the relevant service rules. The object is to prevent the deputation of junior Government servants to the autonomous bodies so that their deputation to higher posts in such bodies should not be a source of heart-burning and discontentment among senior colleagues in the parent departments. I am, therefore, to request that before referring a proposal to the Personnel Selection Committee, the Administrative Department should kindly examine each case in the light of the service rules governing promotion from one post to another and recommend only those officers for deputation who would have been promoted in the Department, if a promotion vacancy had occurred. A departure from this general rule may, however, be made only in the following two types of cases:—

(1) if the job is of a special nature and only the officer recommended is experienced in that field;

and

(2) if the persons senior to the officer recommended are not willing to go on deputation. The cases of all the senior officers may, however, be examined to determine their suitability and the names of junior officers should not be recommended unless the seniors who were found suitable, decline to accept the offer.

2. I am further to request that in future the particulars of each case referred to the Personnel Selection Committee should be given in the attached proforma (in quadruplicate).

(S&GA Dept letter
No. SOXII (S&GAD)-2-86/63,
dated 12-5-64)

PROFORMA FOR THE PERSONNEL SELECTION COMMITTEE

1. Name of the Lending Department.

2. Name of the Borrowing Department.

3. Name and Designation of the Proposed deputationist.

4. Post in the Borrowing Department, with scale of pay and allowances.

5. Place of the proposed deputationist in the seniority list with his present pay.

6. Names of senior officials who have not been recommended, with their present salaries.

7. Provision in the Service Rules for filling promotion vacancies.

8. Reasons for ignoring each senior official.

9. Brief summary of Character Rolls of the officer/officers recommended for deputation and that of the seniors who have not been recommended.

FORMATION OF SPECIAL SELECTION BOARD FOR SELECTION OF PAKISTANI OFFICIALS FOR APPOINTMENT IN INTERNATIONAL ORGANIZATIONS

A copy of the Government of Pakistan, President's Secretariat (Establishment Division) Memo No. 1 (37)/63-A-VI, dated the 10th August, 1963, with a copy of the Office Memo to which it refers, is enclosed, for information and guidance.

(S&GA Dept Memo
No. SC-16-78/63(CS),
dated 17-10 63).

Memo No. 1 (37)/63-A-VI,
dated 10-8-63, from the
Government of Pakistan,
President's Secretariat
(Establishment Division)

In continuation of the Establishment Division Office Memorandum No. 3 (1)/59-SE-III, dated the 5th February, 1959, on the subject mentioned above, the undersigned is directed to say that it has been pointed out by the Ministry of Health, Labour and Social Welfare that the organizations like WHO and UNICEF do not invite application for any job under them. The practice is that nationals of various member countries apply on an exploratory basis from which selection is made.

2. A further point that arises is whether applications made on exploratory basis are required to be scrutinised by the Special Selection Board before they are transmitted to the Secretariat of these organizations. The case has been carefully considered in this Division and it has been decided that the Board will not be concerned with such applications. Such applications should however, be forwarded with the clearance of the Ministry concerned and in the case an

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applicant belongs to one of the services under the administrative control of the Establishment Division, their prior concurrence should be obtained.

President's Secretariat,
Establishment Division
O&M No. 3 (1)/59-SE-III,
dated 5-2-59.

The undersigned is directed to say that under the Establishment Division Office Memorandum No. 8 (2)/58 SE-III, dated the 11th March, 1958, all nominations by the Government of Pakistan for posts in the Baghdad Pact and SEATO Secretariats and in International Organizations of which Pakistan is a member, are to be made with the approval of the President, after the Special Selection Board have made their recommendation in respect of them.

2. Clarifications have since been sought by some Ministries as to the procedure that should be followed where a Government Servant may have sent an advance copy of application to any of the above Organizations for a post under them or where the services of an Officer may be asked for by any of the above Organizations by name. Apparently in either of the above cases, any adherence to the principle *viz.* that all those eligible and available for a post abroad should be duly considered for it, envisaged by the Instruction at Para I above, was not possible.

3. It has, therefore, been decided that, in future, no Government Servant should apply directly or send any advance copy of his application for any post in the Baghdad Pact or SEATO Secretariats or in any International Organization of which Pakistan is a member. No Government Servant should also make any attempt, in future, to secure a request for his services by name for any post under the above Organizations.

4. The Ministries/Divisions are requested kindly to bring this to the notice of all the Government Servants under them. They are also requested to ensure that, whenever the SEATO or Baghdad Pact Secretariats or any International

Organization of which Pakistan is a member, address any Ministry/Division for nominations from Pakistan for any post under the former, that Ministry/Division should immediately invite recommendations for the post from all such Ministries/Divisions/Provincial Government as may be concerned. Dead line for the receipt of such recommendations should be fixed in each case keeping in view the date by which the nomination is to reach the foreign Organization concerned and the other processes that have to be gone through. The recommendations should then be forwarded to the Establishment Division alongwith all the relevant material, as detailed in the Estt. Divin. Office Memo No. 8 (2)/58-SE-III, dated 8-12-1958, for placing the same before the Special Selection Board and for obtaining the orders of the President on the recommendations of the Board.

5. The Establishment Division would, finally, communicate the approved nomination to the Ministry/Division, sponsoring the proposal, for their further suitable action.

Organisations of which Heads have the status of Ministry/Division for nominations from Pakistan. Ten[illegible] from the Ministry/Division should then [illegible] their recommendations for the post from all such subordinate Offices with the Government as may be concerned. The date for the receipt of such recommendations should be fixed in each case, keeping in view the date by which the nominations have to reach the foreign Organisation concerned and the other processes that have to be gone through. The recommendations so made should be forwarded to the Establishment Division alongwith all the relevant material as detailed in the Establishment Division's Memo No. 6(1)/58-SE.III, dated 4-12-1958 for placing the same before the Board of Selection concerned and for obtaining the orders of the President on the recommendations of the Board.

5. The Establishment Division would finally communicate the approved nomination to the Ministry/Division, sponsoring the proposal for their further necessary action.

(10)

NOMINATION OF OFFICERS FOR SERVICE IN INTERNATIONAL ORGANIZATIONS OR OTHER

A copy of D.O. No. 10/1/SSB/62-A. VII, dated the 13th November, 1963, from Mr. G. Mueenuddin, C.S.P., Establishment Secretary to the Government of Pakistan, on the above subject, is enclosed for information and guidance.

(S&GA Dept
Memo. No. SC-1-22/63 (CSP),
dated 20-11-63).

D.O. letter No. 10/1/SSR/62-A-VII, dated 13-11-63, from the Establishment Secretary, Government of Pakistan, President's Secretariat to the Chief Secretary to Government, West Pakistan.

While considering the names of Officers to be nominated for service in international organizations or other countries the Secretary, External Affairs, has raised the question whether we can afford to spare officers for the purpose mentioned above.

2. It is important that Pakistan should be adequately represented in the international organizations as well as in newly emergent countries. It is, however, equally essential that we should not spare officers at the expense of our own developmental effort.

3. Under the circumstances, it is suggested that when recommending officers for deputation abroad, Ministries and Departments should keep our internal needs in view and should not recommend any officers whose retention within the country is necessary. Each recommendation should be accompanied by a certificate that the Officer can be spared without detriment to the work in Pakistan.

4. You may like to bring this suggestion to the notice of various Departments under your Ministry/Government.

(99)

NOMINATION OF OFFICERS FOR SERVICE IN INTERNATIONAL ORGANISATIONS OR OTHER [illegible]

A copy of D.O. No. 20(1)/SE(C)A. VII, dated the 1[illegible] [illegible] 1963, from [illegible] Director, C.S.P., [illegible] the Government of Pakistan, on the above subject, is endorsed for information and guidance.

CMLA Den

Memo No. 803/7247/(CSP) dated 20-11-63.

D.O. letter No. 20(1)/SE(C)A. VII, dated 19-11-63, from the Establishment Secretary, Government of Pakistan, President's Secretariat to the Chief Secretary to Government, West Pakistan.

While considering the names of Officers to be nominated for service in international organizations or other countries the Secretary, External Affairs, has raised the question whether we can afford to spare officers for the purpose mentioned above.

2. It is important that Pakistan should be adequately represented in the international organizations as well as in the important countries. It is, however, equally essential that we should not spare officers at the expense of our own development effort.

3. Under the circumstances, it is suggested that when nominating officers for deputation abroad, Ministries and Departments should keep our internal needs in view and should not recommend such officers whose retention within the country is essential. Such a recommendation should be accompanied by a certificate that the Officer can be spared without detriment to the work in Pakistan.

4. You may like to bring this suggestion to the notice of various Departments under your [illegible].

PART III

SECTION 3

(I)

PAYMENT OF FEES TO GOVERNMENT SERVANTS NOMINATED ON SEMI-GOVERNMENT BODIES AND INSTITUTIONS

I am directed to say that under Fundamental Rule 48 (e), rule 5.55 (e) of the C.S.R. (Pb.), Volume I, Part I, and rule 352 (e) of the Sind Civil Services Rules, a Government servant is eligible to receive without special permission any fees payable for duties he is required to perform in his official capacity under any special or local law or by order of Government. The condition under Supplementary Rule 12 of crediting ⅓rd of the fee to Government does not apply in these cases. Since a large number of semi-Government Bodies and Institutions are being established, and Government will have to nominate an increasing number of officers to such Bodies and Institutions in future, the question of payment of fees to them was examined by the Government of Pakistan, Ministry of Finance, who have decided that payment of fees to Government servants for attending meetings of semi-Government Organizations would not be justified as full account will have been taken of these duties in adjusting their other work accordingly. The Central Government is, therefore, taking action to amend the provisions of relevant Acts or Rules in order to provide that Government officers, whether Centarl or Provincial, shall not be entitled to receive any fee for attending meetings, etc., of Semi-Government organizations which come within the jurisdiction of the Central Government. The Provincial Government has also, after careful consideration, decided to take action similar to that of the Central Government.

2. The term 'semi-Government organizations' includes bodies falling in the following three main categories:—

(1) Statutory Corporations which are financed wholly by Central and Provincial Governments e.g. Road Transport Board.

(2) Statutory Corporations in which Government hold some of the shares and the remaining shares are held by private parties e.g. the Small Cottage Industries Corporation.

(3) Banks and Joint Stock Companies in which Government hold shares such as the Bank of Bahawalpur and the Bahawalpur Textile Mills

In the case of Statutory Bodies wholly or partially financed by the Government, it is likely to take sometime for the various Departments to make necessary amendments in the relevant Acts or Rules, so as to make the Government servants nominated as members, trustees, Directors, etc., ineligible for receiving the fee prescribed for attending the meetings. Government have now decided that no Government servant should accept any fees for attending meetnigs of such Statutory Bodies with effect from the date of this letter notwithstanding the fact that the Rules have not been formally amended.

3. No amendment in the rules in the case of Joint Stock Companies and Banks is required to be made. Government servants attending meetings of such Joint Stock Companies and Banks should receive fees in the ordinary course and deposit the whole amount in the Treasury.

4. Government servants will, however, draw mileage allowance and daily allowance from semi-Government organizations for attending their meetings at the rates fixed by them for their non-official members.

5. The instructions contained in Finance Department circular letter No. 1454-SOX (Ind)-57, dated the 12th October, 1957 regarding fees for attending meetings of commercial concerns are hereby cancelled.

6. In order to ensure that Government servants nominated on semi-Government Bodies attend the meetings regularly, it has been decided that where a Government servant fails to attend a meeting of such Body, he should report to the next higher authority indicating the reasons why he has not been able to do so.

7. These instructions have been issued with the concurrence of the Services and General Administration Department.

(Finance Dept. letter
No. FD-SOI(SR)-373/61,
dated 10-5-61).

(2)

PAYMENT OF FEES TO GOVERNMENT SERVANTS NOMINATED ON SEMI-GOVERNMENT BODIES AND INSTITUTIONS

I am directed to refer to Finance Department's circular letter No. FD-SOI (SR)-373/61, dated the 10th May, 1961, on the above subject and to say that on a review of the whole position, Government have decided that, with effect from the date of issue of this letter, Government servants attending meetings of such Semi-Government Organizations which pay fees in the ordinary course to persons for attending the meetings should invariably receive fees and deposit the whole amount in the Treasury under intimation to this Department.

2. Government servants concerned would, as heretofore, draw Mileage Allowance and Daily Allowance from Semi-Government Organizations for attending their meetings at the rates fixed by them for their non-official members.

3. The above instructions will apply to Commercial and Semi-Commercial concerns also.

4. It is further requested that all the Semi-Government Organizations and Commercial and Semi-Commercial concerns on which Government representatives are appointed should be asked to inform the department of each and every payment made to Government representatives in order to enable you to watch its credit to Government account.

(Finance Dept letter
No. 1828-SR-VI-63,
dated 7-9-63)

PART IV

SECTION 1

(I)
PRINCIPLES REGULATING PROMOTION FROM ONE POST OR CLASS OF SERVICE TO ANOTHER

I am dircted to say that, after careful consideration and in supersession of all previous orders and instructions on the subject, the Government of West Pakistan have decided that the principle for promotion from one post to another should be "by selection on merit with due regard to seniority" and that this principle should be applied uniformly all along the line from the lowest to the highest posts and from one class of service to another.

2. For this purpose, "merit" does not mean good service record only, but also includes experience, qualifications and suitability for the post or service to which promotion is being made. The value of all these different factors has to be assessed in rating the officer's fitness for promotion. The words "with due regard to seniority" imply that, while emphasis is to be placed on good service record, qualifications and aptitude for the higher post, the officer's relative seniority in the cadre, from which promotion is being made, should be given due weight, the greater the disparity in seniority the greater should be the junior officer's superiority in point of merit.

3. It is not the intention that every officer in the cadre from which promotion is being made should be considered for promotion. An officer should put in a certain minimum years of service in the cadre in which he is, before he is considered for promotion to a higher post or service. What this period of service should be will depend upon the conditions of the cadre in which he is and the status of the post or service to which he would be promoted. This period should be specified in the Service Rules.

4. The application of the above principle would, therefore, involve the following steps: (i) officers who have not put in the minimum period of service in the cadre in which they are should be excluded from consideration, (ii) from among the rest, those who are unsuitable for promotion should be left out, (iii) the remaining should then be considered on the basis of what is stated in paragraphs 1 and 2 above and the most suitable among them selected.

5. I am to request that the principal of making promotions, set out in paragraph 1 *ante* should be adopted in

the Service Rules in respect of the services with which your Department/Office is concerned. Protection may, however, be given to the Government servants who entered service before 14th October 1955 and in whose case promotion under the existing rules is regulated by "seniority" or "seniority *cum*-fitness".

(S&GA Dept letter
No. S(R)/1-13/57,
dated 23-5-57)

(2)

PROMOTION OF AN OFFICER TO A HIGHER POST DURING THE PENDENCY OF INVESTIGATION REGARDING ALLEGED CORRUPTION, ETC.

I am directed to say that a question has arisen whether a Government servant against whom a case of corruption has been registered by the Police or Anti-corruption Establishment and is under investigation should be promoted to a higher rank during the pendency of such investigation, if he is otherwise suitable and his turn or chance for promotion has come. Government have decided that the following procedure should be observed in such cases:—

(1) When a case is registered by the Police or Anti-corruption Establishment against a Government servant, a copy of the first information report should invariably be sent to the appointing authority of the Government servant concerned; and

(2) When a Government servant, against whom a case is under investigation by the Police or the Anti-Corruption Establishment, is considered for promotion to the higher rank, a copy of the F. I. R., should invariably be placed before the Selection Bard, the Public Service Commission or any other authority competent to make selection or promotion, as the case may be. It will then be for that authority to take cognizance of the case and ask for a progress report, postpone consideration of the case or ignore it. It shall be the responsibility of the department/office to which the official belongs, to submit a copy of the first information report to the Selection Board, Public Service Commission or any other authority competent to make selection or promotion in his case.

2. All concerned may kindly be advised to observe the above instructions carefully.

(S&GA Dept letter
No. SO XII (S&GAD)-5-16/62,
dated 7-9-62)

(3)

REVERSION FROM OFFICIATING APPOINTMENT—REPRESENTATION AGAINST

In a writ petition filed against the Government of West Pakistan, the High Court of West Pakistan held that a Government servant serving in an officiating capacity may be reverted.

(*a*) without giving him a show-cause notice if—

(*i*) the post he was holding is reduced,

(*ii*) the period for which he was promoted has expired,

(*iii*) the specific task assigned to him has ended,

(*iv*) the permanent incumbent who holds lien on the post rejoins, or

(*v*) in any other case in which reduction in rank involves no penalty or condemnation; and

(*b*) only after giving him a show-cause notice if the reduction in rank involves penalty or condemnation so as to attract the provisions of Article 181 (2) of the late Constitution.

2. On appeal, the Supreme Court, relying on the judgment in the case reported as PLD 1959 S.O. (Pak) page 107, has held that reversion form an officiating appointment is not reduction in rank inasmuch as an officiating appointment is tentative, in the sense of putting the incumbent to proof of his capacity and competency in respect of higher responsibilities than those attaching to his permanent post or grade and, as such, is subject to the condition of the officer and his work being found satisfactory. It has been pointed out that such an officiating appointment does not give the officer any permanent right and, therefore, it is open to the competent authority to revert him whenever it finds that his continuance in office is not in the public interest. It has further been pointed out that since such reversion does not amount to reduction in rank it is not necessary to serve such a Government servant with a show-cause notice before he is so reverted. If a competent authority finds other officers, though junior, more suitable, then in the public interest the competent authority can revert the one considered unsuitable.

3. I am, therefore, directed to intimate that where an officiating Government servant is to be reverted, it is not necessary to give him show-cause notice before such action is taken.

4. In order to ensure that competent authorities exercise the power of reverting officiating Government servants in a judicious manner, Government considers that it should allow representations to be made to the higher authorities where the order of appointment does not in any way limit the period of officiation and the period of officiating appointment exceeds one year. It is, therefore, desirable that competent authorities, while making order for reverting officiating Government servants, should give detailed reasons for doing so.

(S&GA Dept letter
No. SO. XII-2-75/59,
dated 7-11-1959)

P.L.D. 1959 / S.C. 93 reproduced below is also relevant.

**CIVIL APPEALS No. 17, 41, 43, 44, 70 OF 1958.
WEST PAKISTAN PROVINCE VERSUS VARIOUS OFFICIALS**

Held, that reversion to one's permanent post from a higher post whereat the reverted servant was officiating for an indefinite period or "Until further orders" while his juniors who were officiating similarly were continued in the higher posts, did not amount to "reduction in rank" within the meaning of Section 240 of the Government of India Act 1935 on its corresponding provision in Article 181 of the Constitution (1956).

An officiating appointment in the nature of things, is tentative, in the sense of putting the incumbent to proof of his capacity and competency in respect of higher responsibilities than those attaching to his permanent post or grade. Every officiating appointment is really subject to the condition of the official and his work being found satisfactory.

Reversion to the substantive post cannot in terms mean the same as reduction in rank.

In ordering reversion from an offciating position the chief consideration is the public interest of which none but the superiors of the officiating servant could be the judges.

Therefore, the view that reversion should start with the Junior-most officer was not correct.

(4)

SUSPENTION OF GOVERNMENT SERVANTS PROFORMA RETROSPECTIVE PROMOTION AFTER HONOURABLE ACQUITTAL

I am directed to say that a question arose whether a Government servant who was placed under suspension can, after honourable acquittal, be promoted retrospectively in a vacancy which occurred during his suspension, and if so, whether he can be paid the salary of the higher post to which he is retrospectively promoted.

2. After careful consideration, Government have decided that if a Government servant would have been otherwise promoted but for suspension, then after honourable acquittal, he can be given *pro-forma* promotion retrospectively against a vacancy which occurred during his suspension. However, he cannot be given the pay of the higher post retrospectively because pay of a higher post is given only when a Government servant actually works in the higher post.

(S&GA Dept letter
No. SO XII (S&GAD)-2-145/60.
dated 4-12-62)

(5)

GOVERNEMENT SERVANTS COMPULSORILY RETIRED OR REMOVED ON ACCOUNT OF INEFFICIENCY AS A RESULT OF SCREENING—CONDONATION OF BREAK IN SERVICE

A question has arisen whether the break in service of a person who was removed or retired from service as a result of screening and was subsequently re-appointed in a lower or a different post should be allowed to be condoned. In this connection all Departments/Offices were requested to keep such cases pending till the issue of general instructions in the matter,—*vide* Circular No. SOXII-1-32/60, dated 20th September 1961.

2. In the case of ordinary interruption in service, the condonation is possible by the operation of rule 4.23 of Civil Services Rules (Punjab), Volume II, which reads as follows and also finds mention in the Civil Services Rules of other integrating units:—

> "Subject to any rule which a competent authority may perscribe and upon such conditions as it may think fit in each case to impose, the authority competent to fill the post held by a Government servant at the time condonation is applied for or is considered necessary, were he to vacate that post, may condone all interruptions in his service".

3. The matter has been considered and it has been decided in consultation with the Central Government that the break in service of persons who were compulsorily retired or removed from service as a result of screening for inefficiency should, on their re-employment, not be condoned, as the punishment of retirement or removal imposed on them would otherwise become meaningless.

(S&GA Dept letter
No. SOXII (S&GAD)—I—32/60.
dated 27-1-62)

(6)

UNAUTHORISED ABSENCE OF GOVERNMENT SERVANTS FROM DUTY

I am directed to say that Government have decided that the question whether unauthorised absence without leave of a Government servant should affect his seniority and if so under what circumstances the request for condonation of break should be granted or refused, should be dealt with according to the existing rules and practice and each case should be decided on its merits.

(S&AG Dept letter
No. SOXII (S&GAD)—2—123/60.
dated 7-9-62)

(7)

PROMPT DECISION ABOUT CONFIRMATION OF GOVERNMENT SERVANTS ON EXPIRY OF PROBATIONARY PERIOD

I am directed to say that an identical provision regarding probation is being made in Service/Recruitment Rules of all the services and posts. A copy of the standard rule relating to probation is enclosed.

2. A persual of this rule will show that according to Explanation I of sub-clause 3 of the standard rule, a provision has been made that if no orders have been made by the date following the completion of the initial probationary period the period of probation shall be deemed to have been extended. This provision has only been made to cover cases where an appointing authority cannot take a decision on account of unavoidable circumstances. The general rule should be that a decision regarding the confirmation of a probationer should be taken before the expiry of the probationary period and it is only in rare cases that automatic extension of the probationary period under this explanation should be relied upon.

3. Another provision has been made in Explanation II of sub-clause 3 of the standard rule to the effect that if no orders have been made by the date on which the maximum period of probation expires, the probaitoner shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended. This provision has also been made only to safeguard unavoidable delay by the appointing authorities to take a timely decision. It provides for automatic confirmation of the probationer for want of a proper order. But the proper course would be to assess the work of the probationer in time to form an opinion about his work, and take a proper decision instead of allowing the automatic confirmation of the probationer without proper assessment. The general rule in this case should be that there should be no occasion for the application of this explanation and timely action should be taken by the appointing authority regarding the fitness of a probationer for confirmation. I am to required that these instructions may kindly strictly observed by all the apointing authorities.

4. There is still a number of Service/Recruitment Rules which have to be notified. In certain cases there are some existing Service rules which fix the probationary period and

the conditions for the confirmation. These rules should be strictly followed, especially about the time limit laid in each case. All cases of confirmation should be taken up well in time and decided before the expiry of the probationary period.

(S&GA Dept letter

No. SOXII—(S & GAD)—2—133/63,

dated 12-8-63)

Enclosure referred to in Para 1.

(Rule 8 as incorporated in the various Service Rules).

Probation—(1) A person appointed to the Service against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise.

Explanation—Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If the work or conduct of a member of the Service during the period of probation has been unsatisfactory, Government may, notwithstanding that the period of probation has not expired, dispense with his service if he has been appointed by initial recruitment, and if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services.

(3) On completion of the period of probation of a member of the Service Government may, subject to the provisions of sub-rule (4), confirm him in his appointment, or if his work or conduct has, in the opinion of Government, not been satisfactory—

(*a*) in case he has been appointed by 'initial recruitment, dispense with his Services; or

(*b*) in case he has been appointed otherwise, revert him to his former post and if there be no such post, dispense with his Services; or

(*c*) extend the period of probation by a period not exceeding two years in all, and during or on the expiry of such period pass such orders as it could have pased during or on the expiry of the initial probationary period.

Explanation I—If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

Explanation II—If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

(4) No person shall be confirmed in the Service unless he successfuly completes such training and passes such departmental examination as may be prescribed by Government from time to time.

(5) If a member of the Service fails to complete succesfully any training or pass any departmental examination prescribed under sub-rule (4), within such period or in such number of attempts as may be prescribed by Government, Government may—

(*a*) in case he has been appointed by initial recruitment dispense with his Services; and

(*b*) in case he has been appointed otherwise revert him to his former post, and if there be no such post, dispense with his Services.

[illegible]

(2) Extend the period of [illegible] by [illegible] not exceeding two years in all, [illegible] the expiry of such period [illegible] such extended period.

[illegible]

[illegible]

[illegible]

SHOW CAUSE NOTICE IN CASES WHERE A GOVERNMENT SERVANT IS DE-CONFIRMED

Government have had under consideration for some time the question whether a Government servant whom it is proposed to de-confirm in order to rectify an administrative error, should be allowed an opportunity to show cause against such action.

2. As a general rule, person duly confirmed cannot be de-confirmed, as confirmation confers upon such a person a right to hold the appointment in a permanent capacity, and he can be deprived of such a right by means of de-confirmation only if confirmation had been brought about by misrepresentation, *bona fide* mistake, or breach of rules or laws regulating confirmation. De-confirmation for one or more of these reasons does not amount to a penalty and is to be treated as occurring in the normal course of service and, therefore, it is not a legal necessity to serve a show cause notice upon a person proposed to be deconfirmed in such circumstances. Nevertheless, it is considered desirable that the Government servant concerned should be afforded such opportunity and the re-presentation if any, submitted by him should be taken into consideration, before taking a final decision.

(S&GA Dept letter
No. SO-XII-1-151/57,
dated 29-10-60).

L (iv) 428—35

(9)
DETERMINATION OF SENIORITY OF OFFICIALS WHO ARE ALLOWED TO WITHDRAW THEIR RESIGNATION

A question has arisen whether a Government servant who resigned and has subsequently been allowed to withdraw his resignation, should be assigned seniority and given other benefits which would have accrued to him had he not resigned.

2. When a resignation tendered by a Government servant has been accepted and the acceptance has been communicated to him, it becomes final. There can be no question of allowing him to 'withdraw' the resignation.

3. Where a Government servant who has tendered resignation withdraws it before it is accepted by the competent authority, or where, after the acceptance but before the acceptance is communicated to him, he is allowed to withdraw the resignation, he continues in the post held by him without a break and the question of re-fixation of his seniority, etc., does not arise.

4. Where an appellate authority finds that the resignation was not tendered voluntarily or that it is otherwise null and void, the appellate authority may re-instate the Government servant concerned. On re-instatement the Government servant shall be regarded as having continued in service throughout.

5. If a Government servant, whose resignation has been accepted and communicated to him, is appointed to Government service thereafter, such appointment shall be regarded as a fresh appointment. The seniority, pension, leave, etc. of such a Government servant shall be fixed in accordance with the rules applicable to him as if this appintment was his first appointment to Government service.

6. There may, however, be cases in which it may not be fair to treat such a re-employed Government servant as a new recruit. If it is proposed to give him any benefit in relaxation of the rules, the orders of the Government should invariably be obtained.

(S&GA Dept Memo.
No. SOXII—2—96/59,
dated 24-12-59)

(10)

DETERMINATION OF SENIORITY OF OFFICIALS TRANSFERRED FROM ONE CADRE TO ANOTHER

I am directed to say that Government have decided that the seniority of officials who are transferred from one group cadre to another should be determined in the manner indicated below:—

(a) If the transfer from one cadre to another is in the exigencies of public service, the Government servant should be considered to be on deputation from the original group cadre.

(b) In case of persons who want to change their domicile and go to a different group cadre on their own request, the Government servant concerned should get the lowest position in the cadre to which he seeks the transfer.

(S&GA Dept Memo.
No. SOXII (S&GAD)—2—39/62,
dated 7-9-62.)

(11)

LOSS OF SENIORITY IN CONSEQUENCE OF VOLUNTARY POSTPONEMENT OF PROMOTION

I am directed to say that according to Note II under Rule 4.4 of Civil Services Rules (Punjab), Volume 1, Part I, it is permissible to post-date the substative promotion of the Government servant to a date when it will be to his benefit to be promoted under this rule. This date may be selected at the option of the Government servant concerned but once the option is exercised, it will be final.

2. A question has arisen whether a Government servant who voluntarily postpones his promotion under this provision would still retain his original seniority of the lower grade as against those Government servants who do not opt to have their promotions post-dated and actually take over charge of the higher post earlier than the optee. In certain cases seniority has to be decided according to pre-integration rules and in other cases, seniority has to be determined according to Service/Recruitment Rules framed by the West ~~ing to Service/Recruitment Rules farmed by the West~~ Pakistan Government. In the former case, the specific provisions of the rules will apply for purposes of seniority. For instance, in certain old rules, the date of confirmation is relevant for purposes of seniority. In most cases, the date of confirmation is based on the date of joining the higher post. In the new rules, there is a uniform principle that the seniority of persons appointed otherwise than by initial recruitment is to be determined with reference to the dates of their continuous appointment therein. Thus the date of continuous appointment is the determining factor for purpose of seniority. The note in question clearly states that no compensation will be given for any consequences which may follow from the exercise of this option. It is for the optee to consider the effect of his postponement of promotion on his seniority and if he chooses to postpone it, he shall have to bear the consequences of such postponement on his seniority. He cannot later on claim that he should be demed to have been promoted from an earlier date than that on which he actually took over. I am to request that these instructions may be brought to the notice of all Government servants for guidance.

(S&GA Dept letter
No. SOXII (S&GAD)—2—110/63,
dated 30-3-64).

PART IV

SECTION 2

(I)

DELAY IN THE PAYMENT OF SALARIES TO GAZETTED OFFICERS DUE TO NON-RECEIPT OF SERVICE DOCUMENTS

I am directed to address you on the subject noted above and to state that the Accountant-General, West Pakistan has brought it to the notice of the Government that sometimes payment of salaries to gazetted Government servants cannot be authorised for a considerably long period due to non-receipt of certain service documents from departmental authorities or from other Audit and Accounts Offices. As a result of this the officers are put to great inconvenience. I am, therefore, to request you to take immediate steps to ensure that whenever a gazetted Government servant is appointed to a new post, or is transferred from one station to another or is granted leave, the necessary service documents, *e.g.*, notification sanctioning appointment, transfer or leave, report of handing and/or taking over charge, etc., are sent to the Audit Office concerned immediately to avoid any hardship to the officers concerned due to delay in the payment of their salaries.

2. The Accountant-General, West Pakistan has also furnished a *statement containing particulars of the officers to whom payment of salaries has been delayed for want of service documents from their departmental authorities. The statement in question is attached herewith and the officers mentioned in column 4 of the said statement are specifically requested to furnish the requisite documents (mentioned in column 3 of the statement) to the Accountant-General, West Pakistan without any further delay so that the officers concerned may be authorised their salaries forthwith.

(Finance Dept letter
No. FD-SOI (FR)—15/62—169/62,
dated 26-3-62).

*Not included.

(d)

DELAY IN THE PAYMENT OF SALARIES TO [illegible]

[illegible] to address you on the [illegible] Accountant-General. When a [illegible] to the notice of the Government [illegible] of [illegible] Government [illegible] or other [illegible] Accountant [illegible] therefore, we request [illegible] a general [illegible] by a government, or it has [illegible] immediately to [illegible]

The Accountant-General [illegible] particulars of the [illegible] to [illegible] Government [illegible]

[illegible]

(2)

PROVISIONAL PAYMENT OF SALARIES TO GOVERNMENT SERVANTS

I am directed to say that the Governor of West Pakistan has been pleased to decide that provisional payment of salaries, etc., may be made to Government servants, when authorised by the Administrative Departments concerned, in the following cases and to the extent mentioned against each:—

(i) In cases of promotion, pending fixation of pay in the higher post:

Last pay drawn in the lower post before promotion, as certified by the Administrative Department.

(ii) In case of transfer to the audit control of a different Audit Officer in the same post or another post carrying the same or a higher pay, pending issue of Last Pay Certificate, etc.:

Last pay drawn before transfer, as certified by the Department.

(iii) In case of leave pending issue of leave salary slip, etc.

Leave salary restricted to substantive pay.

((iv) In cases of deputation, pending issue of Last Pay Certificate or orders regarding terms of deputation:

Last pay drawn (as certified by the Department) before deputation. This will not apply to deputation ex-Pakistan.

(Finance Dept letter
No. FD-SOI (FR)—15/62-212/62
dated 7-5-62).

(2)
PROVISIONAL PAYMENT OF SALARIES TO GOVERNMENT SERVANTS

I am directed to say that the Governor of West Bengal has been pleased to decide that provisional payment of salaries may be made to Government servants, when authorised by the Administrative Department concerned, in the following cases and to the extent mentioned against each:—

(i) In cases of promotion, pending fixation of pay in the higher post:

Last pay drawn in the lower post before promotion, as certified by the Administrative Department.

(ii) In case of transfer to the audit control of a different Audit Officer in the same post or another post carrying the same or a higher pay, pending issue of Last Pay Certificate, etc.:

Last pay drawn before transfer, as certified by the Department.

(iii) In case of leave pending issue of leave salary slip, etc.:

Leave salary admissible on substantive pay.

(iv) In cases of deputation, pending issue of Last Pay Certificate or orders regarding terms of deputation:

Last pay drawn as certified by the Department before deputation. This will not apply to deputation ex-India.

Finance Dept. letter
No. FD(SO) (FB)—13/(7)-56/F.B.I
dated 7.5.57.

(3)

ELIMINATION OF DELAY IN THE PAYMENT OF MONTHLY SALARIES

I am directed to say that Government is constantly receiving complaints from Government servants on account of delay in the payment of salaries. It has been noticed that delay occur due to non-observance of the Government instructions issued from time to time regarding the preparation of service books sanction of temporary appointments, reference to the Public Service Commission for approval of appointments to be made by the Commission, the grant of efficiency bar and other such matters. The matter was considered by the Secretaries Committee and it has been recommended by the Committee that it is necessary to take disciplinary action in a few test cases against officials responsible for delaying the cases. This would serve as a deterrent to others and thereby improve matters. Government have accepted this recommendation and I am, therefore, to request that action should be taken accordingly.

2. There may also be cases which are delayed in the office of the Accountant-General, West Pakistan. I am to request that glaring cases in which delays have occurred in that office may be brought to the notice of this Department for suitable action.

(S&GA Dept letter
No. S (R) 2576/12—11/62,
dated 2-10-62)

(4)

POLICY TO BE FOLLOWED IN THE MATTER OF GRANT OF ADDITIONAL PAY TO GOVERNMENT SERVANTS FOR HOLDING CHARGE OF TWO OR MORE POSTS AT A TIME

In continuation of Finance Department, Circular letter No. 135-FE (P)-57, dated 27th August 1957 and No. 1847-FE (F)-58, dated 20th February 1958, I am directed to state that no Government servant should be sanctioned special pay/additional pay on his appointment to hold charges of more than one post if the additional charge is held for a period of less than one month.

(Finance Dept. letter
No. 1319-FE (P)-58,
dated 29-3-58)

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(5)

POLICY TO BE FOLLOWED IN THE MATTER OF GRANT OF ADDITIONAL PAY TO GOVERNMENT SERVANTS FOR HOLDING TWO OR MORE POSTS AT A TIME

A case has come to light where an appointing authority has allowed additional pay to a Clerk for performing the duties of another Clerk. The question of dual charge should not arise in such cases. In the absence of a Clerk the office work should be suitably distributed among other Clerks temporarily and no additional pay should be allowed. These instructions should apply in case of all ministerial establishment.

(Finance Dept letter
No. 2092-FE (P)-2/84 (59)
dated 29-9-59)

(6)

HOLDING OF CURRENT DUTIES OF POSTS

A question has arisen as to what should be the policy regulating appointment of officers to perform "current duties" of the posts.

2. It has been decided that—

(i) Whenever it becomes necessary to appoint a Government servant to perform the current duties of a post in addition to his own, a formal order to this effect should be issued. The Government servant concerned should formally assume the additional charge of current duties of the post.

(ii) Whenever a Government servant is required to go abroad on duty necessitating another person to perform current duties of the post in his absence, a temporary post for the period of absence should be created and the outgoing Government servant should formally assume charge of the new post.

(iii) As a policy, no Government servant should be required to perform the current duties of a post for a period exceeding 30 days.

(iv) When a Government servant is competent to hold charge of a post and discharges all its duties, the full charge and not the charge of the current duties should be given, irrespective of the period in question, unless this arrangement involves administrative · difficulties. The charge of the current duties should ordinarily be given only when it is held that the Government servant is not sufficiently senior or mature enough to perform all the duties of the post.

(S&GA Dept Memo.
No. SO XII-2-90/60,
dated 18-4-61)

(7)

TRANSFER OF OFFICERS FROM ONE TENURE POST TO ANOTHER—GRANT OF SPECIAL PAY

I am directed to say that the following two questions had arisen:—

(1) Whether an Officer, who was holding a tenure post, should, on his appointment as a Member of the West Pakistan Public Service Commission, be allowed to draw the special pay attached to the tenure post, in addition to his substantive pay, while serving as Member of the Public Service Commission, notwithstanding the fact that Regulation 9 of the West Pakistan Public Service Commission (Composition and Conditions of Service) Regulations, 1958, allows members only the substantive pay admissible to them, where the substantive pay is Rs. 2000/- or above; and

(2) Whether Heads of Attached Departments, Secretaries and Advisors of the Technical Departments, should be given the benefit of special pay as a result of transfer on the completion of their tenure.

2. After careful consideration, Government have decided that:—

(1) A tenure post holder, on his transfer from the tenure post, will be entitled to his substantive pay. In addition, Government may allow him any special pay or allowances which may be attached to the new post to which he is transferred. The special pay attached to the tenure post will not be admissible to him.

(2) Subject to the availability of a suitable post, Government may, at its discretion, appoint an officer transferred from a tenure post to another post which carries approximately the same emoluments. The officer will not, however, claim such equivalent posts as a matter of right.

(3) The said Member of the West Pakistan Public Service Commission, will not be granted special pay of Rs. 300/- and amendment of Regulation 9 of the West Pakistan Public Service Commission (Composition and Conditions of Service) Regulations, 1958, need not be made.

(S&GA Dept letter
No. SOXVIII-2/12-64,
dated 24-3-64)

PART IV

SECTION 3

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(I)

GRANT OF ANNUAL INCREMENTS TO GOVERNMENT SERVANTS

I am directed to say that according to the rules of the various integrating Units, the annual increments to Government servants are to be allowed as a matter of course unless withheld by competent authority. It is, therefore, not necessary to issue specific sanction in each case granting increments to Government servants. Before allowing to Government servant to draw annual increments in the normal course, all that is necessary to ensure is that—

(i) the authority competent to withhold the increment of the Government servant has not issued an order withholding the increment, before the date on which it falls due, and

(ii) the drawal of increment by the Government servant concerned is not subject to any conditions prescribed in the rules applicable to him, *e.g.*, passing of any departmental or language examinations, etc., by him.

2. The above instructions, however, do not apply to increaments next above the effciency bar, in which case the specific sanction of competent authority is necessary in each case before the increment.

(S&GA Dept letter
No. SR-2-29/56,
dated 8-9-56)

GRANT OF ANNUAL INCREMENTS TO GOVERNMENT SERVANTS

I am directed to say that according to the rules of the various Governments, the annual increments to Government servants are to be allowed as a matter of course unless withheld by competent authority. It is, therefore, not necessary to issue specific sanction in each case granting increments to Government servants. Before allowing the Government servant to draw annual increments in the time-scales, all that is necessary to ensure is that:

(i) the authority competent to withhold the increment of the Government servant has not passed an order withholding the increment, before the date on which it falls due; and

(ii) the drawal of increment by the Government servant concerned is not subject to any condition prescribed in the rules applicable to him, e.g. passing of any departmental or language examinations, etc. by him.

2. The above instructions, however, do not apply to the increment next above the efficiency bar, in which case the specific sanction of competent authority is necessary in each case before the increment.

(SNGA Dept. letter
No. 4B-2-29/56
Dated [illegible])

I am directed to state that according to the rules relating to the grant of increments contained in the Civil Services Rules of the various integrating units, if the conduct of a Government servant is not good or his work is not satisfactory, it is open to the competent authority to withhold his normal increment. This does not imply that if an increment of the Government servant is not withheld, his conduct is good and his work is satisfactory. In case of an efficiency bar, however, it is for the competent authority to satisfy itself about the conduct and the work of the Government servant before authorising the increment above the efficiency bar. It has, however, been observed that in actual practice, the conduct and work of the Government servant are not closely scrutinised before he is allowed to cross the efficiency bar and that the crossing of the bar is allowed in some cases more or less as a routine.

The records of Government servants should be properly scrutinised before permission is given to cross the efficiency bar. Such permission should in no case be granted as a matter of routine.

(S&GA Dept letter
No. SO-XII-2-45/59,
dated 17-6-59)

(3)

GRANT OF ADVANCE INCREMENTS AS RECOGNITION OF MERIT IN PUBLIC SERVICE

I am directed to say that Government has decided that outstanding merit in the performance of official duties by Government servants of all services up to Class II level and Section Officers employed in the West Pakistan Government Secretariat (other than belonging to Class I Officers) should be recognized by the grant of advance increments in the pay scales. The following procedure should be observed for this purpose:—

(i) *Scope*—Section Officers in the West Pakistan Secretariat (other than those drawn from Class I Services) and all services up to Class II level will come within the purview of this scheme.

(ii) *Extent and procedure*—(a) Advance increments will be granted only in recognition of outstanding merit.

(b) Recommendations for the grant of advance increments will be initiated by the Reporting Officers and subject to approval of the Appointing Authority in each case, sent finally to the appropriate Selection Board/District Merit Recognition Committee.

(c) The recommendations should be made once in a year. All proposals should reach the appropriate Selection Board/District Merit Recognition Committee by the first Mach every year.

(d) Advance increments granted during a year will take effect from the date on which the normal increment of the person concerned falls due in that year;

(e) Advance increment will continue to be drawn by the persons concerned in addition to the increments due in the normal course.

(f) The grant of advance increments will be subject to the condition that the maximum of the pay scale in which the increments are allowed is not exceeded under any circumstances.

(g) Advance increments may not be granted to more than one official of a Department/Office at a time.

(h) Gazetted Officers may not be granted more than one advance increment at a time and non-gazetted employees should not be granted more than 2 advance increments at a time;

(i) It should be left to the Selection Board/District Merit Recognition Committee concerned to select the best of the recommendees irrespective of the class of service or the department concerned to which the official belongs. The maximum number of persons to whom advance increment may be granted by each Selection Board/Committee may be specified as under—

(a) District Committee ... 2 annually

(b) Divisional Recruitment Board ... 2 annually

(c) Selection Board for offices of the Heads of Attached Departments ... 2 annually

(d) Selection Board for the West Pakistan Secretariat ... 4 annually

(iii) *Jurisdiction of Boards and Merit Recognition Committees*—(a) The jurisdiction of the District Merit Recognition Committee should be non-gazetted staff and class IV employess excluding those categories of officials who belong to Divisional or Regional offices if a district headquarter also has a Divisional or Regional Headquarters.

The District Merit Recognition Committee should be presided over by the Deputy Commissioner and the Superintendent of Police should be a member of this Committee. The Deputy Commissioner should co-opt two other District Officers as its members. The Committee will have the same constitution in Agencies except that the Political Agent will be its Chairman and he will co-opt three other officers as its members.

(b) The Divisional Recruitment Board should decide the cases of Class II employees posted in the Division and Regional Offices and Class IV

and non-gazetted staff employed in the Commissioner Offices and other Divisional and Regional Offices excluded from the jurisdiction of the District Committee.

(c) Selection Boards for attached departments will decide cases of all categories of Government employees up to class II serving in the attached departments.

(d) The jurisdiction of the Selection Board for the West Pakistan Secretariat will be confined to Section Officers (other than those belonging to Class I Service), Superintendents, non-gazetted ministerial staff and Class IV employees working in the Secretariat.

For the purpose of granting advance increments, the Class II Officers may be defined as those who are gazetted and are getting the pay scale the maximum of which does not exceed Rs. 800.

(S&GA Dept Memo.
No. SOXII (S&GAD)-2-72/61,
dated 5-6-63)

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PART V

SECTION I

WEST PAKISTAN INQUIRIES (POWERS) ACT, 1958 (AS AMENDED BY THE WEST PAKISTAN DEPARTMENTAL INQUIRIES (POWERS) (AMENDMENT) ORDINANCE, 1960)

West Pakistan Act No. XLV of 1958

An act to confer powers for compelling attendance of witnesses and production of documents on officers conducting departmental inquiries against Government servants in the Province of West Pakistan.

Whereas it is expedient to confer powers to compel attendance of witnesses and production of documents on officers conducting departmental inquiries against Government servants in the Province of West Pakistan:— Preamble

It is hereby enacted as follows:—

1. (1) This Act may be called the West Pakistan Departmental Inquiries (Powers) Act, 1958. Short title and extent.

(2) It extends to the whole of the Province of West Pakistan, except the Federal Capital and the Special Area.

2. An officer conducting a departmental inquiry against a Government servant under any rules for the time being in force, may exercise the same powers for compelling the attendance of witnesses, production of documents and issuing commissions for the examination of witnesses as are exerciseable by a Civil Court under the Code of Civil Procedure V of 1908. Powers to sumons witnesses and to compel production of documents.

Provided that the process issued by the Officer conducting the departmental inquiry shall be served and executed by the Civil Court having jurisdiction in the place where the witness or the person in possession of the document, as the case may be, resides.

3. Any person disobeying a process issued by an officer in exercise of the powers conferred by section 2 shall be liable to the same penalties to which he would have been liable if he had disobeyed a process issued by the Civil Court. Penalties.

West pak. Ordinance No. XV of 1958. 4. The West Pakistan Departmental Inquiries (Powers) Ordinance, 1958, is hereby repealed. Repeal.

(Law Dept Notification
No. Leg-1 (45)/58,
dated 23-9-58).

WEST PAKISTAN INQUIRIES (POWERS) ACT, 1958 (AS AMENDED BY THE WEST PAKISTAN DEPARTMENTAL INQUIRIES (POWERS) (AMENDMENT) ORDINANCE, 1969)

West Pakistan Act No. XCV of 1958

An act to confer powers for compelling attendance of witnesses and production of documents on officers conducting departmental inquiries against Government servants in the Province of West Pakistan.

Whereas it is expedient to confer powers to compel attendance of witnesses and production of documents on officers conducting departmental inquiries against Government servants in the Province of West Pakistan—

It is hereby enacted as follows:—

1. (1) This Act may be called the West Pakistan Departmental Inquiries (Powers) Act, 1958.

(2) It extends to the whole of the Province of West Pakistan, except the Federal Capital and the Special Area.

2. An officer conducting a departmental inquiry against a Government servant under any rules for the time being in force, may exercise the same powers for compelling the attendance of witnesses, production of documents and issuing commissions for the examination of witnesses as are exercisable by a Civil Court under the Code of Civil Procedure, V of 1908.

Provided that the process issued by the Officer conducting the departmental inquiry shall be served and executed by the Civil Court having jurisdiction in the place where the witness or the person in possession of the document, as the case may be, resides.

3. Any person disobeying a process issued by an officer in exercise of the powers conferred by section 2 shall be liable to the same penalties to which he would have been liable if he had disobeyed a process issued by the Civil Court.

4. The West Pakistan Departmental Inquiries (Powers) Ordinance, 1958, is hereby repealed.

(Law Dept. Notification
No. Leg-I 14/9/58,
dated 23-9-58).

(2)
WEST PAKISTAN GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1960.

In exercise of the powers conferred by clause (3) of Article 6 of the Laws (Continuance in Force) Order, 1958, the Governor of West Pakistan is pleased to make the following rules, namely: —

Short title application and commencement.

1. (1) These rules may be called the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960.

(2) These rules apply to all Government Servants under the rule-making authority of the Governor of West Pakistan, except members of such services and holders of such posts as may be specified by Government by notification in the official gazette.

(3) They shall come into force at once.

Definitions

2. In these rules, unless there is anything repugnant in the subject or context—

(1) "authority" means the Governor of West Pakistan or an officer or authority designated by him to exercise the powers of the authority under these rules, or a person or authority deemed under sub-rule (3) of rule 16 to be an authority so designated;

(2) "Gorvernment" means the Government of West Pakistan;

(3) "Government servant" means a person to whom these rules apply;

(4) "Governor" means the Governor of West Pakistan;

(5) "Misconduct" means—

(*i*) violation of Government Servants Conduct Rules;

(*ii*) breach of service discipline or instructions issued by Government;

(iii) committing offences involving moral turpitude;

(6) "penalty" means a penalty which may be imposed under these rules.

3. Where a Government servant, in the opinion of the authority— Grounds for penalty.

(a) is inefficient, or has ceased to be efficient, whether by reason of infirmity of mind or body, or otherwise, and is not likely to recover his efficiency; or

(b) is guilty of misconduct; or

(c) is corrupt, or may reasonably be considered corrupt or has a reputation for being corrupt; or

(d) is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities, and whose retention in service is therefore considered prejudicial to national security,

the authority may, subject to the provision of sub-rule (5) of rule 4, impose on him one or more penalties.

Explanation—A Government servant may reasonably be considered, corrupt if—

(i) he, or any of his dependents or any other person through him or on his behalf, is in possession (for which he cannot reasonably account) or pecuniary resources or of property disproportionate to his known sources of income; or

(ii) he has assumed a style of living beyond his ostensible means.

4. (1) The following penalties may be imposed under these rules upon a Government servant:— Penalties

(a) censure;

(b) withholding of increment, with or without cumulative effect, including stoppage at an efficiency bar for a specified period not exceeding three years;

(c) recovery from his pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders;

(*d*) reduction to a lower post or time-scale, or to a lower stage in a time-scale;

(*e*) compulsory retirement;

(*f*) removal from service;

(*g*) dismissal from service.

(2) The penalties specified in clauses (*a*) and (*b*) shall be deemed, for the purposes of these rules, to be minor penalties and those specified in clauses (*c*) to (g) to be major penalties.

(3) Removal does not, but dismissal does, disqualify from future employment under Government.

(4) For misconduct any penalty in sub-rule (1) may be imposed, but the penalties to be ordinarily imposed for inefficiency shall be those set out in clause (*b*), (*c*), (*d*) or (*e*) of that sub-rule, and for corruption or subversion those set out in clause (*e*), (*f*), or (*g*) of the said sub-rule.

(5) No authority subordinate to that by which a Government servant was appointed shall be competent to impose on him any penalty set out in clause (*d*), (*e*), (*f*) or (*g*) of sub-rule (1).

Explanation 1.—The discharge.—

(*a*) of a person appointed on probation during the period of probation,

(*b*) of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment,

(*c*) of a person engaged under contract, in accordance with the terms of his contract,

does not amount to removal or dismissal within the meaning of this rule.

Explanation 2.—Withholding of increment for failure to pass departmental examination in accordance with the terms of appointment or Rules or Orders pertaining to the service or post is not a penalty within the meaning of these rules.

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Explanation 3.—Stoppage at an efficiency bar in the time-scale for unfitness to cross the bar is not a penalty within the meaning of these rules.

Inquiry procedure in cases of subversion.

5. (1) When a Government servant is to be proceeded against under clause (*d*) of rule 3, the authority—

(*a*) may, by order in writing, require the Government servant concerned to proceed on such leave as may be admissible to him, and from such date as may be specified in the order;

(*b*) shall, by order in writing, inform him of the action proposed to be taken in regard to him and the grounds for such action; and

(*c*) shall give him a reasonable opportunity of showing cause against that action before an Inquiry Committee to be constituted under sub-rule (2) to inquire into the charge:

Provided that no such opportunity shall be given where the Governor is satisfied that in the interest of the security of Pakistan, or any part thereof, it is not expedient to give such opportunity.

(2) Where an Inquiry Committee is to be constituted in pursuance of clause (c) of sub-rule (1) it shall be constituted by the Governor and shall consist of three Secretaries to Government.

(3) The Committee shall inquire into the charge and submit its findings to the Governor.

(4) The Governor shall not be required to consult the West Pakistan Public Service Commission before passing such orders on the findings of the Committee as he may think fit.

Inquiry procedure in cases of enefficiency, misconduct and corruption.

6. (1) When a Government servant is to be proceeded against under clause (*a*), (*b*) or (*c*) of rule 3, the following procedure shall be observed:—

(*i*) The authority may, if it thinks fit, appoint an officer of the Department or Office to which the Government servant (hereinafter called the

accused) belongs, to examine and report on the allegations against him to enable the authority to decide whether a formal inquiry should be held, and such officer may also informally examine the accused.

(*ii*) If the authority decides that a formal inquiry should be held, it shall decide further whether the allegations, if established, would call for a minor or a major penalty.

(*iii*) (*a*) In cases calling for a minor penalty, the authority, or such officer as may be appointed by it in that behalf, shall frame a charge, communicate it to the accused and call upon him to answer it within a specified time, which shall not be less than seven days nor more than fourteen days from the date the charge is communicated to him, and to state, together with his answer, whether he desires to be heard in person or to lead evidence in defence.

(*b*) Where the accused answers within the specified time, the authority, or the said officer, shall if satisfied that there is a *prima facie* case and if the accused has so desired, give him an opportunity to be heard in person and to lead evidence in defence;

Provided that the authority, or the said officer, may, for reasons to be recorded, refuse to call a particular witness or to summon or admit particular evidence.

(*c*) If the accused, without sufficiant cause, fails to answer within the specified time or having answered, fails to appear or absents himself from the proceedings, the authority or the said officer may proceed with the inquiry and record a finding.

(*d*) The authority, shall take into consideration the explanation of the accused and the evidence, if any, led by him in his defence before passing final orders.

(*iv*) (*a*) In cases calling for a major penalty, the authority shall frame a charge and communicate it to the accused together with a

statement of the allegations on which it is based and of any other circumstances which the authority proposes to take into consideration when passing orders on the case.

(*b*) The authority shall require the accused within a reasonable time, which shall not be less than seven days nor more than fourteen days from the day the charge has been communicated to him, to put in a written defence, stating at the same time whether he desires to be heard in person.

(*c*) If the accused so desires, or if the authority so directs, an oral enquiry shall be made by an Inquiry Officer to be appointed under rule 8 at which oral evidence shall be heard as to such of the allegations as are not admitted, and the accused shall be entitled to cross-examine the witnesses against him, to give evidence in person and to have such witnesses called for the defence as he may wish; provided that the Inquiry Officer may, for reasons to be recorded in writing, refuse to call a particular witness or to summon or admit particular evidence.

(*d*) No person who is called upon to produce his defence as to charges which form the subject matter of an enquiry against him shall be allowed to engage counsel:

Provided that if the charge or charges are likely to result in the dismissal of such person he may, with the sanction of the Enquiring Officer, be represented by counsel;

Provided further that if in an enquiry, counsel is engaged on behalf of any department of Government, the person against whom the charges are being inquired into, shall be entitled to engage Counsel.

(e) The proceedings shall contain a sufficient record of the evidence led at the enquiry and the Inquiry Officer's report of his findings and the grounds thereof.

(2) Nothing in this rule shall apply—

(*i*) where the accused is dismissed or removed from service or reduced in rank on the ground of conduct which has led to the imposition upon him of a sentence of fine or imprisonment on a criminal charge; or

(*ii*) where the authority competent to dimiss or remove a person or to reduce him in rank is satisfied that, for reasons to be recorded by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

Power to order medical examination as to mental or bodily infirmity.

7. (1) Whether it is proposed to proceed against a Government servant on the ground of inefficiency by reason of infirmity of mind or body, the authority may at any stage, whether or not an officer has been appointed in pursuance of clause (*i*) of sub-rule (1) of rule 6 to examine and report on the allegations against him, require the Government servant to undergo a medical examination by a Medical Board or a Civil Surgeon, as the authority may direct, and the report of the Board or the Civil Surgeon shall form part of the proceedings.

(2) If a Government servant refuses to undergo such examination, his refusal may, subject to the consideration of any grounds as he may give in support of it, be taken into consideration against his as showing that he had reason to believe that the result of the examination would prove unfavourable to him.

Appointment and procedure of Inquiry Officer.

8. (1) Where a Government servant is proceeded against under clause (*a*) or clause (*b*) or clause (*c*) or rule 3, and the authority decides that the allegations against him, if proved, call for a major penalty, the authority shall appoint an officer, senior in rank to the person proceeded against, to be Inquiry Officer and to conduct the proceedings against him.

(2) The Inquiry Officer shall hear the case from day to day, and no adjournment shall be given except for reasons to be recorded in writing. Every adjournment, with reasons therefor, shall be reported forthwith to the authority. No adjournment ordinarily shall be given for more than a week.

(3) If the Inquiry Officer is satisfied that the Government servant proceeded against is hampering or attempting to hamper the progress of the inquiry he shall administer a warning to him, and if thereafter he is satisfied that the *accused* is acting in disregard of the warning he shall record a finding to that effect, and proceed to complete the inquiry in such manner as he thinks best fitted to do substantial justice.

(4) The Inquiry Officer shall, within ten days of the conclusion of the proceedings, or such longer period as may be allowed by he authority, submit his findings and the grounds thereof to the authority.

8—A. Where an Inquiry Officer, after having heard and recorded any part of the evidence is replaced by another Inquiry Officer, the Inquiry Officer, so succeeding may, at his own instance, or at the request of the Government servant proceeded against, if he thinks that such a request can be allowed without unnecessary inconvenience, expenses or delay, recall and rehear all or any of the wtinesses examined by his predecessor.

Notice of proposed penalty to be given to accused.

9. (1) The authority shall consider the report of the Inquiry Officer, and if upon such consideration it is of the opinion that a penalty should be imposed upon the accused, it shall provisionally determine the penalty to be imposed and shall so inform the accused and supply him with a copy of the report and call upon him to show cause within a reasonable time, which shall not be less than seven days, nor more than fourteen days, why the penalty proposed should not be imposed.

(2) The authority shall take into consideration any cause shown by the accused before passing final orders.

9—A. Where it appears to the authority, whether on considering the report of the officer appointed under clause (i) of sub-rule (1) of rule 6, or otherwise, that a Government servant has a reputation for being corrupt, the authority shall refer the case to the appropriate Tribunal appointed under rule 9-B.

9—B. (1) Government shall appoint one or more Tribunals, each consisting of three senior officers, to conduct enquiries against such Government servants as have a reputation for being corrupt.

(2) The procedure to be followed by the authority and the Tribunal for an enquiry under rules 9-A and 9-B shall *mutatis mutandis,* be the same as prescribed in clauses (i) (ii) and (iv) of sub-rule (1) of rule 6, sub-rule (2) of rule 6 and rules 8,9 and 10.

9-C. (1) The recommendations of the Tribunal, or where the members of the Tribunal are not unanimous, the recommendations of the majority of members, shall ordinarily be accepted by the authority and orders shall be passed by it accordigly.

(2) Where the authority differs with the recommendations made by the Tribunal or the majority of the members of the Tribunal, the authority shall record reasons for such disagreement and except in cases where the authority is the Governor refer the matter for decision to the next higher authority.

9-D. A person on whom any punishment is imposed as result of an enquiry by a Tribunal shall have the same right of appeal as provided in rule 14.

Provided that where the punishment is imposed under the Provisions of rule 9-C (2), by or under the orders of an authority to which an appeal ordinarily lies the appeal shall lie to the next higher authority.

Reference to the West Pakistan Public Service Commission.

10. (1) Subject to any regulations made by the Governor providing for matters on which consultation with the West Pakistan Public Service Commission shall not be required and subject to the provisions of sub-rule (4) of rule 5, all proceedings under these rules in which any penalty is proposed to be imposed on a Government servant shall be forwarded to the Commission, with a statement of the grounds and the penalty proposed.

(2) The Commission shall within twenty days of the receipt by it of the proceedings or such longer period as may be allowed by the Governor, tender its advice to the authority and the authority shall take the advice into consideration before passing final orders.

Suspension.

11. A Government servant against whom action is proposed to be taken under clause (*b*) or clause (*c*) of rule 3 may be placed under suspension if, in he opinion of the authority, suspension is necessary or expedient.

Compensation pension gratuity, etc of Government servants compulsorily retired, removed or dismissed.

12. (1) Subject to any orders of the Governor as to the amount of compensation pension or gratuity to be paid, a Government servant compulsorily retired shall except as hereinafter provided, be entitled to such compensation pension or gratuity or provident fund benefits as would have been admissible to him on the date of his retirement under the Rules applicable to his service or post if he had been discharged from service on account of the abolition of his post without alternative suitable employment being provided.

Reinstatement.

(2) Subject to any order of the Governor made on compassionate grounds, a Government servant who is removed or dismissed shall not be entitled to any compensation pension, gratuity or benefits accruing from Government contribution to a contributory provident fund.

13. (1) If a Government servant proceeding on leave in pursuance to an order under clause (*a*) of sub-rule (1) of rule 5 is not dismissed, removed, reduced in rank, or compulsorily retired, he shall be reinstated in service, or as the case may be, restored to his rank or given an equivalent rank, and the period of such leave shall be treated as duty on full pay.

Appeals

(2) Reinstatement after suspension shall be governed by the service rules applicable to the Government servant concerned.

14. A person on whom a penalty is imposed shall have such right of appeal as may be preserved in the service rules applicable to him:

Exemption.

Provided that where the penalty is imposed by order of the Governor, there shall be no appeal, but the person on whom the penalty is imposed may apply for a review of the order.

15. Nothing in clause (c) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5, in clause (iv) of sub-rule (1) of rule 6, or in rule 8 and rule 10 shall apply to any proceedings under these rules where the authority is the Chief Justice of

the High Court of West Pakistan, or such other Judge or Officer of the Court as he may have delegated his powers in regard to appointment of officers and servants of the High Court and the Courts subordinate thereto.

16. (1) These rules supersede all the existing rules and instructions in regard to matters dealt with in these rules, and in particular the following rules, in their application to Government servants:—

(a) The Punjab Civil Services (National Security) Rules, 1950;

(b) The Punjab Civil Services (Prevention of Corruption) Rules, 1953.

(c) Rules 14.8, 14.10 and 14.13 of the Punjab Civil Services Rules, Volume I, Part I.

(d) Rules 33 and 34 of the Sind Civil Services (Conduct, Discipline and Appeal) Rules;

(e) The Sind Civil Services (National Security) Rules, 1951;

(f) Rules 4, 6 and 7 of the North-West Frontier Province, Civil Services (Punishment and Appeal) Rules, 1943;

(g) The Civil Services (Prevention of Corruption) Rules, 1953;

(h) Part XII of the Civil Services (Classification, Control and Appeal), Rules;

(i) The Civil Services (National Security) Rules, 1957;

(j) The West Pakistan Government Servants (Discipline and Efficiency) Rules, 1959.

(2) Any person or authority, or the successor of the same authorised to exercise powers in virtue of a delegation made by the Governor from time to time subsisting immediately before the commencement of these rules, shall to the extent of the powers delegated and so far as is not inconsis-

tent with these rules, be deemed to be an authority designated under these rules.

(S&GA Deptt Notification No. SOXII-1-17/59 dated 26-7-60, as amended by Notifications No. SOXII-2-19/61 dated 20-5-61, SOXII (S&GAD) 5-1/62 dated 12-10-62, SOXII (S&GAD) 5-3/62 dated 1-11-62, and SOXII (S&GAD) 5-41/62, dated 28-9-63)

(3)

DELEGATION OF POWERS FOR PURPOSES OF WEST PAKISTAN GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1960

In pursuance of clause (1) of rule 2 of the West Pakistan Government servants (Efficiency and Discipline) Rules, 1960, the Governor of West Pakistan is pleased to designate the authorities competent to award punishments under the various Delegation of Powers Rules issued by Government from time to time, to exercise in respect of the officers to whom they are competent to award punishment and to the extent mentioned in those rules the powers of the authority under the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960.

(S&GA Dept Notification
No. SOXII-2-94/61,
dated 12-4-61)

(4)

INSTRUCTIONS FOR THE SPEEDY DISPOSAL OF DISCIPLINARY CASES

In supersession of all previous orders issued on the subject by the different integrating Units, the Governor of West Pakistan is pleased to direct that in all cases, including those of corruption, no officer (gazetted, as well as non-gazetted) should be suspended unless and until:—

(i) he has been charge-sheeted, in the case of departmental inquiries, with an offence which, if proved, may lead to his dismissal, removal from service or reduction in rank;

(ii) he has been challaned (or sanction to his prosecution has been accorded); or

(iii) he wilfully and obstinately refuses to carry out an order; or

(iv) he is in police custody.

In departmental inquiries, relevant evidence should be collected and the Inquiry Officer appointed, before placing an officer under suspension. However in order to prevent the guilty officer from tampering with evidence or abusing his official position, he should be transferred invariably and immediately, as soon as a *prima facie* case is found to exist against him during a departmental or police inquiry. Exception to this policy should be the cases of officers who are found guilty of defalcation, criminal mis-appropriation, criminal breach of trust or falsification of Government accounts, in which cases the officer should be suspended at once, unless these offences relate to petty amounts.

2. In case, in which it becomes necessary to suspend a Government servant, efforts should be made to dispose of the same as expeditiously as possible. Under no circumstances should the disposal of such cases be allowed to take more than 6 months. Instances have come to the notice of the Government where inquiries against Government servants have dragged on for months and even for years. In most of the cases the slow progress of the inquiry proceedings provided an opportunity to the accused officials to win over the witnesses and consequently escape the clutches of law. In others the protracted inquiry caused unnecessary mental worry and demoralization to the accused official on the one hand and financial loss to Government on the other by way of payment of salary and allowance to the official concerned.

3. One main reason for delay in the disposal of disciplinary cases is that the departmental inquiry officers are over-burdened with other work and are also not fully conver-

sant with the procedure of inquiry as laid down by the rules. It quite often happens, that, due to faulty procedure, guilty persons are let off by the law courts. Administrative Departments/Heads of Departments, etc., may therefore, like to nominate an officer who should make himself thoroughly conversant with rules of procedure for conducting departmental inquiries, and if necessary, he may be sent to the Services and General Administration Department for a short period of training.

4. It has been observed that, on being placed under suspension, an officer is generally prohibited from leaving the station. This is permissible where it is felt that, unless he is confined to a particular station, he might tamper with the evidence likely to be produced against him, but such prohibition should not be enforced if there is no valid cause for such apprehension. He should simply be required to inform the authorities concerned of his movements.

5. Government attach great inportance to this matter and wish to impress upon all officers the necessity of exercising close vigilance on the proceedings and taking steps to ensure that disciplinary cases are disposed of within the prescribed time. In order to arrest delays which occur in the investigation of disciplinary cases, the Heads of Attached Departments/Administrative Departments, etc., may call for progress reports from the officers concerned at suitable intervals and submit quarterly returns in respect of Class I Officers to Government through the Administrative Department concerned, showing the particulars of persons under suspension and the stage of each case. But returns relating to officers up to Class II should not go beyond the Heads of Attached Departments. If a case has not been disposed of within the prescribed time, *i.e.* within six months, reasons for delay should be recorded in the remarks column. These reports should be furnished in the beginning of January, April, July and October each year; the first statement being furnished to the Administrtive Secretaries within a month of the receipt of this letter. The Administrative Secretaries will forward these statements *in a consolidated form*, with their remarks to the Services and General Administrative Department within a fortnight of their receipt by them.

(S&GA Deptt. Memo.

No. S(R)21-43/57 SOXIII,

dated 16-11-57)

(5)

SUSPENSION OF GOVERNMENT SERVANTS

I am directed to refer to this Department's instructions for the speedy disposal of disciplinary cases issued in this Department's memorandum No. S (R)-21-43/57-SOXIII, dated the 16th November, 1957. The position has been reviewed by Government in the light of experience gained during this period. It has been found that a large number of Government servants remain suspended for periods longer than 6 months and most of them get reinstated, which results in financial loss to Government and causes unnecessary inconvenience to Government servants concerned. Suspension should only be resorted to where it is essential.

SUSPENSION IN THE CASE OF DEPARTMENTAL INQUIRY

2. Recourse to suspension should not be made at the time of preliminary inquiry as the situation can be met, if necessary, by transfer of a Government servant from the station of posting. The question of suspension should only be considered when a formal inquiry is to be undertaken by the Inquiry Officer under rule 8 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960. The suspension for corruption or misconduct should only be ordered where it is likely that one of the following penalties can be imposed:—

(a) Reduction to a lower post or time-scale or to a lower stage in time-scale.

(b) Compulsory retirement.

(c) Removal from service.

(d) Dismissal from service.

SUSPENSION IN THE CASE OF POLICE CHALLANS

3. Suspension need not be ordered in all cases when a Government servant is challaned. The criterion should be the same as in the case of departmental inquiry. Normally, in court cases, it should follow convicition and should be discretionary at other stages. Moreover, a Government servant need not be suspended merely for being in Police custody unless he is convicted and the conditions as laid in the case of departmental inquiry are fulfilled.

4. A Government servant may, however, be suspended on obstinate refusal to carry out an order. This provision is essential. Otherwise, there will be no peremptory remedy available to Government in such cases.

5. The existing policy about station leave as mentioned in paragraph 4 of the letter under reference, may be maintained.

6. Government servants remain suspended for a period of 3-4 years. This needs a careful check. The quarterly consolidated statement prescribed in accordance with paragraph 5 of the letter under reference, is not being received in this Department from the Administrative Secretaries. Once an officer is suspended, then the matter is generally allowed to drift. It is necessary that a careful watch about the finalization of these cases should be kept. Both in the case of judicial inquiry and the Police prosecution, the authority competent to suspend a Government servant should, on the expiry of three months period from the date of suspension, place the matter before the appellate authority regarding the advisibility of retaining the person under suspension anymore. The appellate authority will fix the further period of suspension and review the case on the expiry of the period so fixed. This check has to be reflected in the quarterly form which has been amended accordingly. I am to request that Administrative Secretaries should regularly obtain the quarterly statements (copy enclosed) from the subordinate authorities and transmit these to this Department in the month following at the end of each quarter. The statement for the quarter ending in September 1962 should reach this Department by October 1962.

(S&GA Dept letter
No. SOXII (S&GAD)-5-7/62,
dated 24-8-62)

QUARTERLY STATEMENT OF DEPARTMENT FOR THE QUARTER ENDING

(*a*) Name and Designation of the suspended Government servant.

(*b*) Date of suspension.

(*c*) Whether judicial or departmental inquiry is pending.

(*d*) Period of suspension after the date of report.

(*e*) Date upto which the suspension period is extended by the appellate authority, if any.

(*f*) Date up to which the suspension period is extended by the appellate authority as a result of the second review, if any.

(*g*) Any other information.

L (iv) 428—42

(6)

SUSPENSION OF GOVERNMENT SERVANTS—SUBMISSION OF QUARTERLY STATEMENTS

Quarterly Statements, prescribed in paragraph 6 of this department's circular letter No. S.O. XII (S&GAD)-5-7/62, dated the 24th August, 1962, for the quarter ending 30th September, 1962, have not been received in this department so far. In this connection it may be pointed out that such Statements in respect of Class I Officers only should be forwarded to the Service and General Administration Department through the Administrative Departments concerned. Statements in respect of officers up to the level of Class II should not go beyond the Heads of Departments/Regional Heads of Departments as the case may be. All the Statements in respect of Class I Officers should be consolidated in the Administrative Departments and then forwarded to the Services and General Administration Departmnet.

2. Necessary action may please be taken with a view to ensuring that the statements are submitted to the prescribed authorities regularly without any delay.

(S&GA Dept Memo
No. SOXII (S&GAD) 5-7/62,
dated 20-11-62)

(6)

SUSPENSION OF GOVERNMENT SERVANTS — SUBMISSION OF MONTHLY STATEMENTS

Monthly Statements, prescribed in paragraph 3 of this Department's circular letter No. SOD 3 [illegible] dated the [illegible] August, 1962, for the quarter ending [illegible] September, 1962, have not been received in the department so far. In this connection it may be pointed out that statements in respect of Class I Officers only are [illegible] to the Services and General Administration Department through the Administrative Departments. Statements in respect of employees in the [illegible] Class [illegible] should not be sent to the Board [illegible] Regional Heads of Departments as the case may be [illegible]. Statements in respect of [illegible] Class [illegible] to the Administrative Departments and their [illegible] to the Services and General Administration Department.

2. Necessary action may please be taken with a view to ensuring that the statements are submitted to the [illegible] regularly hereafter.

(SSGA Dept. Memo
No. SOD II (SSGAD) 5-7/62
dated 20-11-63)

(7)

SUSPENSION OF GOVERNMENT SERVANTS

I am directed to refer to this Department circular No. SOXII (S&GAD)-5-7/62, dated the 24th August, 1962, on the subject noted above and to state that it has been stated in para 6 thereof that both in the case of "Judicial Inquiry" and "Police Prosecution", the authority competent should, from the date of suspension, place the matter before the appellate authority, regarding the advisability of retaining the person under suspension anymore. These instructions were intended to cover both Departmental Inquiry and the Police Prosecution. It is. therefore, requested that the words "Judicial Inquiry" occurring therein may be substituted by the words "Departmental Inquiry".

(S&GA Dept letter
No. SOIV(S&GAD)-1/31-64,
dated 7-4-64)

(8)

PRINCIPLES TO BE FOLLOWED IN TAKING DEPARTMENTAL ACTION AGAINST A GOVERNMENT SERVANT WHO HAS BEEN PROSECUTED CRIMINALLY BUT IS ACQUITTED BY THE COURT

I am directed by the Governor of West Pakistan to address you on the subject noted above and to say that the judgment of a Criminal Court is not necessarily decisive as regards departmental or disciplinary action. A prosecution may fail for technical reasons; sometimes the Court notes the facts as suspicious, but gives the accused the benefit of the doubt; and sometimes a prosecution fails for the patent reason that witnesses have been bought over. In all such cases it may well be held that the circumstances are so suspicious that the Government servant can no longer be safely trusted; or it may be held that, though the official is acquitted on the main charge, facts brought to light in the course of the trial show defects of character or a disregard of proper procedure which would justify the taking of departmental action against the accused. But departmental action should not follow a prosecution which has failed for the sole reason that witnesses have been bought over unless the court itself has noted that the witnesses have been influenced.

2. Frequently, however, the above elements are absent, e.g., when an official is tried on a definite charge and is acquitted either in the original court or on appeal and there is no question of the acquittal being merely on technical ground of evidence having been supressed. In such cases, and when no facts are established in the course of the trial that would justify action being taken for disregard of departmental rules, the decision of the court on the facts should be accepted and no departmental action should be taken.

3. Similarly when the charge is dismisssed without any suggestion by the court that the conduct of the accused has been suspicious or any indication that it is merely giving the accused the benefit of a doubt, the acquittal should be treated as an honourable acquittal and no further departmental action should be taken.

(S&GA Dept letter
No. S(R) 1-13/58/SO XIII,
dated 30-9-58)

(8)

PRINCIPLES TO BE FOLLOWED IN TAKING DEPARTMENTAL ACTION AGAINST A GOVERNMENT SERVANT WHO HAS BEEN [illegible] BY [illegible]

I am directed by the Government of [illegible] to address you on the subject noted above and to say that the judgment of a Criminal Court is not necessarily decisive [illegible] departmental or disciplinary action. A case may fail for technical reasons [illegible] the facts as [illegible] had [illegible] the [illegible] is [illegible] that witnesses have been bought over [illegible] cases it may well be held that the [illegible] was [illegible] that the Government servant cannot be [illegible] or it may be held that [illegible] on the main charge [illegible] of the trial show defects of character or a standard of [illegible] which would justify the taking of departmental action against the accused. But departmental action should not follow a prosecution which has failed on the sole ground that witnesses have been bought over unless the court itself has noted that the witnesses have been influenced.

2. Frequently, however, the [illegible] charges are [illegible] and [illegible] when an official is tried on a definite charge and is acquitted either in the original court or on appeal and there is no question of the acquitted being [illegible] technical [illegible] of evidence having been [illegible] In such cases [illegible] when no facts are established in the course of the trial which would justify action being taken for dismissal or discharge [illegible] the facts should be [illegible] after the decision of the court [illegible] should be [illegible] and no departmental action should be taken.

3. Similarly when the [illegible] by the court that the conduct of the accused [illegible] has been [illegible] that it [illegible] the accused should be [illegible] and no further departmental action should be taken.

(S.C.A. Dept letter)
No. [illegible]
dated [illegible]

(9)

DEPARTMENTAL INQUIRY-WHETHER COPIES OF STATEMENTS OF WITNESSES SHOULD BE SUPPLIED TO THE ACCUSED OFFICER FREE OF CHARGE OR ON PAYMENT

A question has been raised whether copies of the statements of witnesses in a departmental inquiry should be supplied to the accused officer free of charge or on payment. It has been decided that un-attested copies of such statements may be supplied to the accused officer free of charge to enable him to prepare his defence. In such cases carbon copies of the evidence should be prepared by the Stenographer to the Inquiry Officer. If, however, the accused Government servant wants attested copies of these statements, they should be supplied only on payment under the ordinary rules applicable to the grant of copies in judicial cases through the copying agencies.

The Inquiry Officer at Secretariat level should utilise the copying agency of the Court of the District and Sessions Judge, Lahore, and those in the districts, should use the District Court's Copying Agencies.

(S&GA Dept letter
No. SO XII-1-160/58,
dated 26-12-58).

DEPARTMENTAL ENQUIRY—WHETHER COPIES OF STATEMENTS OF WITNESSES SHOULD BE SUPPLIED TO THE ACCUSED OFFICER FREE OF CHARGE OR ON PAYMENT

A question has been raised whether copies of the statements of witnesses in a departmental enquiry should be supplied to the accused officer free of charge or on payment. It has been decided that unattested copies of such statements may be supplied to the accused officer free of charge to enable him to prepare his defence. In such cases carbon copies of the evidence should be prepared by the Officer conducting the Inquiry Officer. If, however, the accused Government servant wants attested copies of these statements, they should be supplied only on payment under the ordinary rules applicable to the grant of copies in judicial cases through the copying agencies.

The Inquiry Officers at Secretariat level should utilise the copying agency of the Court of the District and Sessions Judge, Lahore, and those in the districts, should use the District Courts' Copying Agencies.

(S&GA Dept letter No. SO XIII-160/58, dated 26-12-58.)

(10)

DISMISSAL OR REMOVAL OF GOVERNMENT SERVANTS—ALLOWANCES ON REINSTATMENT

In continuation of this Department letter No. S (R)-13/58/S.O. XIII, dated the 30th September 1958, I am directed to say that according to Rule 152 (a) of the Sind Civil Service Rules, Volume I, (which corresponds to Rule 7.3 of Civil Services Rules Punjab, Volume I) when a Government servant is honourably acquitted in a departmental enquiry or trial in Court, the period of absence from duty on account of the suspension, dismissal or removal from service, has to be treated as period spent on duty. If the acquittal is otherwise than honourable, the period of absence on account of suspension, dismissal or removal will not be treated as period spent on duty unless the revising or appellate authority so directs. In this connection a question has arisen whether an acquittal on technical grounds or caused by lack of evidence should be deemed to be honourable acquittal and whether such acquittal leaves any discretion to decide whether the acquittal was or was not honourable for the purposes of determining the pay and allowances payable to such servant during the said period of absence.

2. Government have considered the whole question and it has been decided that for the purposes of pay and other service matters, it is primarily necessary to consider whether or not an acquittal is honourable. When a servant is suspended he does not work for his master and should obviously get no salary for the period during which he has rendered no service. Service rules, however, make provision for payment of a subsistence allowance during that period so that the servant does not starve. Where the servant might have been falsely involved in the case or inquiry, the State is prepared to compensate him fully, provided he satisfies that he has been honourably acquitted. The burden of proof is on him. In certain cases, it may be difficult for him to discharge this burden—as in the case of a discharge on technical grounds where the merits of the case have not been discussed or gone into. It should be borne in mind that payment of salary during the period of suspension is a matter of favour and not a right even though the servant is finally acquitted. It may be that by his conduct he contributed to his implication in the case even though he was not guilty of the offence. Therefore, he will not be entitled to salary during the suspension period unless he satisfies Government that the case

against him was absolutely false and that he has been honourably acquitted. On the other hand, it will not be presumed in every case of acquittal on technical grounds that the acquittal has not been honourable. Every case should therefore be decided on its own facts and circumstances and if the acquittal is held to be honourable the period of absence should be treated as spent on duty.

3. The ruling reported in A.I.R. (33), 1946 Sind 121 is not relevant. That was a case for expunction of remarks. But even in that case the Chief Court held that it was not inconsistent for a Judge to give benefit of doubt to an accused and still point a suspicious finger at him. All that it says is that having acquitted him, the Court cannot proceed to suggest that his innocence had not been established.

(S&AG Dept letter
No. S (R) 1-13/58/SO XIII,
dated 10-1-59).

(11)

SUPPLY OF COPIES OF REPORTS OF INQUIRY OFFICERS IN DEPARTMENTAL ENQUIRIES

A question has arisen as to whether the report of an Inquiry Officer in a departmental enquiry should be furnished, to the accused Government servant concerned. In this connection, the former Punjab Government had issued general instructions in their Circular letter No. 1630-G-42/18176 (H-GAZ), dated the 26th March, 1942. The matter has been reviewed and the following instructions are issued for guidance to all departments and offices.

2. There are three positions in which the question of supplying a copy of the report of enquiry officer can arise:—

(*i*) Cases in which one of the major punishments, *i.e.*, dismissal, removal or reduction in rank is imposed on a Government servant;

(*ii*) Cases in which one of the minor punishments, *i.e.*, censure, withholding of increments, etc., is imposed;

(iii) Cases in which the Government servant concerned is exonerated.

3. As regards (i), the penalty of dismissal, removal or reduction in rank cannot be imposed on a Government servant, unless he is given an opportunity to show cause against the action proposed to be taken against him. It is, therefore, necesary to furnish a copy of the report of the Inquiry Officer to the Government servant concerned at the time when he is given a show-cause notice, before the punishment is actually inflicted upon him.

4. As regards (ii), the Government servant is entitled to appeal against the punishment and as such, he is entitled to be furnished with a copy of the report on which the order of punishment is passed. Refusal to supply copy of the Inquiry Officer's report on the basis of which the order is passed, is a denial of an elementary right which gravely prejudices the right of appeal. A copy of the report or the findings should, therefore, be supplied free of charge to the Government servant concerned on his application, after the order imposing a penalty has been passed.

5. As regards (iii), Government have decided that a copy of the Inquiry Officer's report should not be furnished to the Government servant concerned, in case it is decided by the competent authority not to impose any penalty in respect of the charges levelled against him.

6. As to the question of supplying copies of the statements of witnesses in a departmental enquiry, Government have already laid down instructions in Circular letter No. S.O. XII-I-160/58, dated the 26th December 1958.

(S&GA Dept letter
No. SO XII-2-4/60,
dated 10-5-60)

(12)

ENQUIRIES AGAINST GOVERNMENT SERVANTS WHO WERE IMPOSED PENALTIES UNDER THE INSTRUCTIONS RELATING TO SCREENING DURING 1959

A question has arisen whether departmental inquiries pending against Government servants who were screened out or were awarded other punishments as a result of screening operations in 1959 should be proceeded with or dropped.

2. The matter has been examined and it has been decided that:—

(i) Where the Government servant concerned was screened out from service, *i.e.*, dismissed, removed or compulsorily retired, and the inquiry against him does not reveal the commission of any criminal offence, it should be dropped.

(ii) Where the punishment awarded as a result of screening is other than dismissal, retirement or removal from service, the departmental enquiry should continue. However, while awarding punishment in each departmental enquiry, in case the charges are proved, the competent authority will take into consideration the action already taken as a result of screening.

(iii) Where an inquiry reveals commission of any criminal offence by a Government servant who has subsequently been screened out from service, *i.e.*, dismissed, removed or compulsorily retired as a result of screening the case for prosecution in a court of law should be examined on its merits.

(S&GA Dept Memo.
No. SO XII-2-162/60,
dated 23-1-61).

(13)

PURSUING OF CASES AGAINST GOVERNMENT SERVANTS

At its meetings held in November, 1960 under the Chairmanship of the Governor, the *ad hoc* Public Accounts Committee, while considering the appropriation accounts of the former provinces for the period prior to the date of Integration, observed that—

"(i) Cases of gross irregularities and serious misconduct involving officers of a particular Department, should not be dropped simply because the officer concerned had retired or his services were now with some other Government or authority in the country. In such cases, reference should be made to the Central Government or the Martial Law Authorities as considered necessary. It was emphasized that the officers who acted irresponsibly and dishonestly while working under one Government or authority could not be tolerated in any public service;

(ii) Sometimes, departmental cases in Courts were decided against Government, because they were not properly prepared or pursued. The Committee resolved that cases in which a department of Government was concerned, it should take due interest in the matter and keep a vigilant eye on the proceedings in the Court and assist prosecution at all stages. Such interest by the Department would prevent the failure of a case merely because all the documents were not made available to the Court or witnesses not examined before the Court. The fate of a Government case should not be left entirely in the hands of the prosecution agency. Appeal should also be lodged promptly, whenever necessary".

2. A provision is being made in the New Pension Rules to the effect that the pension of a Government servant, or a part thereof, may be withheld or withdrawn, if the pensioner be convicted of serious crime or be found to have been guilty of gross misconduct either during or after the completion of his service.

3. Observations of the *ad hoc* Public Accounts Committee are brought to the notice of all concerned to ensure that—

(i) Cases of inefficiency, misconduct or corruption against a Government servant are not dropped simply because he has retired or his services were now with some other Government or authority in the country.

(ii) After a *prima facie* case is found to exist against him, the case against a Government servant should be carefully prepared and thereafter pursued diligently in the Court of law or with the enquiry officer, as the case may be.

(iii) All possible assistance is provided to prosecution agency at all stages.

(iv) Steps are taken to secure a copy of the judgment of the Court or the findings of the enquiry officer, as the case may be, and for the Department concerned to decided whether an appeal should be lodged or further action, if any, taken.

(S&GA Dept Memo
No. SOXII (S&GAD) 2-89/61,
dated 28-9-61)

(14)

FRAUD OR EMBEZZLEMENT OF GOVERNMENT MONEY

I am directed to say that it has been brought to the notice of Government that in cases of fraud or embezzlement of Government money, in which a Government servant is involved, no departmental inquiry is held when once a case has been handed over to the Police. Cases of financial loss to Government need utmost attention and care. In view of the financial implications, it is necessary that every attempt should be made to fix responsibility for such losses.

2. In this connection, attention is invited to paragraph 3 (1) of Appendix 2 to Financial Handbook No. 2, Punjab Financial Rules, Volume II (copy enclosed). The intention seems to be that the head of office or Department should also reach departmental conclusions about such cases,, although there is nothing to stop him from using the material collected by the police or the finding reached by the criminal Court. I am to request that the instructions in the Financial Handbook may please be strictly followed in all cases of fraud or embezzlement of Government money.

(S&GA Dept letter
No. SOXII (S&GAD) 5-2/62,
dated 16-2-62)

PARA. 3 (1) OF APPENDIX 2 FROM FINANCIAL HANDBOOK No. 2,PUNJAB FINANCIAL RULES VOLUME II

There is a tendency for the head of office or department to regard the institution of criminal proceedings as absolving him from the task of conducting an immediate and thorough departmental inquiry. Reluctance may be enhanced by the apprehension that an inquiry may prove prejudicial to the result of the trial in a court of law. As a result there has sometime been a great delay in taking departmental proceedings and the results have been inconclusive. The departmental inquiry should not, therefore, be delayed pending the decision of the criminal case, as at a later stage the evidence might disappear and departmental inquiry may not be brought to any conclusion at all.

(15)

PROCEDURE FOR THE MAINTENANCE AND CIRCULATION OF THE LIST OF PERSONS DEBARRED FROM FUTURE EMPLOYMENT UNDER GOVERNMENT

According to the existing procedure laid down by the President's Secretariat, Establishment Division Government of Pakistan, the Provincial Governments are required to furnish to the Establishment Division the particulars of Government servants dismissed from service and debarred from future employment under Government in the prescribed form (copy enclosed) by the 20th of each month. To enable the Services and General Administration Department to prepare a consolidated statement, the requisite information is to be furnished by the Departments/Offices of the West Pakistan Government by the 10th of each month.

2. It appears that these instructions are not being followed and these statements are not received in the prescribed from in accordance with the exiting instructions. The last date prescribed for submission of these statements, *i.e.* 10th of each month is also not being adhered to. The result is that the lists cannot be printed in time. In order to ensure the systematic preparation and maintenance of the lists of debarred personnel, it is requested that the requisite information in respect of the Departments/Offices including the subordinate offices, may be furnished in the prescribed form arranged alphabetically punctually by the 10th of each month.

3. It has been observed in sevral cases that authorities concerned are not in a position to furnish all the necessary particulars of the debarred persons for the reason that a proper record of their particulars have not been maintained by them. It will be appreciated that unless full particulars of the individauls concerned are included in the consolidated list issued by the Establishment Division, there is a danger of some of these individuals rejoining Government service undetected and thus the very purpose for which these lists are issued will be defeated. It may, therefore, please be ensured that full particulars of all Government servants are maintained so that necessary particulars are made available in case any of them is debarred from future employment under Government.

4. The minimum number of copies of the consolidated lists published by the Establishment Division required for use in your Department/Office and the subordinate offices may please be worked out and intimated to this Department.

(S&GA Dept Memo
No. SO-VI-12-1/62,
dated 19-6-62).

LIST OF PERSONS DISMISSED AND DEBARRED FROM FUTURE EMPLOYMENT UNDER GOVERNMENT

Ministries / Divisions
Provincial Government

Serial No.	Name and permanent address	Educational qualifications	Father's name and address	Date of birth	Office in which employed and post held, *post or service for which he was a candidate	Reasons for dismissal or disqualification	Height and personal marks of identification, if known
1	2	3	4	5	6	7	8

* In the case of persons declared unsuitable by the Public Service Commission.

(16)

REPUTATION FOR CORRUPTION—PROCEEDINGS UNDER THE WEST PAKISTAN GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1960

I am directed to say that Government has been considering the procedure to be adopted for proceeding against Government servants under sub-clause (c) of clause 3 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960. The rules provide that a Government servant can be proceeded against when he is corrupt or may reasonably be considered corrupt. It has been decided in consultation with the Law Department, that action can be taken against a person for being considered to be corrupt on the ground of his reputation for corruption. In order to prove this, the character roll can be treated as a substantial evidence against the accused person. The Evidence Act does not apply to departmental inquiries under this rule. It is not necessary to call reporting officers to prove the entries made by them, except in very rare cases where it is absolutely necessary. Ordinarily, the inquiry officer can take notice of the entries in the character roll without getting some proof from the reporting officer. I am to request that these instructions may kindly be brought to the notice of all concerned for guidance.

(S&GA Dept: letter

No. SOXII (S & GAD) 5-27/62,

dated 16-11-62).

L (iv) 428—45

(17)

RETIREMENT OF GOVERNMENT SERVANTS FOUND RESPONSIBLE FOR COMMITTING IRREGULARTIES BEFORE ANY ACTION WAS TAKEN AGAINST THEM

I AM directed to say that it has been brought to the notice of Government and of the *ad hoc* Public Accounts Committee that in many cases Government servants found responsible for committing irregularties, etc., had retired before any action was taken against them. I am, therefore, directed to say that the following provisions already existing in the rules of the various integrating units should be carefully observed in future so that no loss is sustained by Government through fraud or negligence on the part of any Government servants:—

(i) Rule 2.33 of the Punjab Financial Rules. It provides that every Government servant should realise that he will be held personally responsible for any loss sustained by Government through fraud or negligence on his part, and that he will also be held personally responsible for any loss arising from fraud or negligence on the part of any other Government servant to the extent to which it may be shown that he contributed to the loss by his own action or negligence.

(ii) The principles regarding enforcement of responsibility for losses sustained through fraud, negligence, etc., are laid down in Appendix 2 of the Punjab Financial Rules, Volume II. It will be seen from this Appendix that it is very important to avoid delay in the investigation of any loss due to fraud, negligence, financial irregularities, etc. One of the reasons is that in the course of prolonged investigation Government servants concerned may qualify for pension, and at present under the rules of integrating units (other than the former Sind), a pension once sanctioned in the case of Government servants who entered service before the year 1939 cannot be reduced or withheld for misconduct committed prior to retirement. It follows from this that as a primary precaution, steps should be taken to ensure that a Government servant concerned in any loss or irregularity which is the subject of an inquiry is not allowed to retire on pension while the inquiry is in progress, and accordingly when a pensionable Government servant is concerned in any irregularity or loss, the authority investigating the case should immediately inform the Audit Officer concerned and the authority competent to sanction pension.

(iii) It will be seen from Rule 2.2(b) of Civil Services Rules (Punjab), Volume II, corresponding to article 351-A of Civil Services Regulations that as regards Government servants who entered service on or after 31st July, 1939 any amount of loss found in judicial or departmental proceeding to have been caused to Government by the negligence or fraud of such a Government servant during his service can be recovered by Government, provided such proceedings are instituted before the Government servant's retirement from service or within a year from the date on which he was last on duty whichever is later.

(iv) Rule 189 of the Sind Civil Services Rules, Volume I, provides that Government may withheld or withdraw a pension or any part of it, if the pensioner be convicted of serious crime or be found to have been guilty of grave misconduct either during or after the completion of his service.

(v) Rule 3.28(d) of Civil Services Rules (Punjab), Volume I (corresponding to Fundamental Rule 56(d) and Note 3 under Rule 161 of Sind Civil Services Rules) provides that a Government servant under suspension on a charge of misconduct shall not be required or permitted to retire from service on reaching the date of his compulsory retirement but shall be retained in service until the enquiry into the charge is concluded and final order is passed thereon.

2. In order to save Government from losses due to fraud, negligence, financial irregularities, etc., of Government servants who are about to retire, I am to request that the provisions of the existing rules should be strictly followed. Immediate action should be taken in cases of financial irregularities, etc., which are brought to your notice either through audit or otherwise and the disposal of such cases should not be delayed.

3. I am to request further that these instructions may be brought to the notice of all officers under your administrative control.

(Finance Dept letter No. BI-9(2)/58 Vol. III), dated 27-12-62).

(18)

MEDICAL EXAMINATION OF GOVERNMENT SERVANTS UNDER THE WEST PAKISTAN GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1960, FOR THE PURPOSE OF CONTINUANCE UP TO THE AGE OF SUPERANNUATION.

I am directed to state that it has been decided by Government that Special Medical Boards should be constituted and the cases of all Government Servants whose cases have been reviewed under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963 and who have been allowed to continue beyond the age of 55 years should be referred to those Boards, so that those Government Servants who are found medically unfit are not allowed to continue up to the age of superannuation, namely 60 years.

2. In this connection, attention is invited to Rule 7 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, according to which, where it is proposed to proceed against a Government Servant on the ground of inefficiency by reason of infirmity of mind or body, the authority may, at any stage, require the Government Servant to undergo a medical examination by a Medical Board or a Civil Surgeon, as the authority may direct, and the report of the Board or the Civil Surgeon shall form part of the proceedings.

3. With a view to implementing the above-mentioned decision, it has been decided to take necessary action under Rule 7 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960. Accordingly, the Governor of West Pakistan, in his capacity as "authority" under rule 2(1) is pleased to constitute Special Medical Boards at the Provincial, Regional and District levels. The Medical Boards shall be known as—

(1) Special Provincial Medical Board.

(2) Special Regional Medical Board.

(3) Special District Medical Board.

4. The composition of the Provincial Medical Board will be the Secretary, Health Department as Chairman assisted by two members of the rank of Professors of a Medical College or equivalent posts. The function of this Board

would be to dispose of appeals by Government Servants against the result of the Special Regional Medical Boards and the Special District Medical Boards. Government shall also have a right to refer any case for review of the opinion of District or Regional Boards or original case to this Board for their opinion. The Board can meet at any convenient place and the other two members can be selected from any Medical Institution keeping in view the place where the Medical Board has to meet.

5. The composition and the jurisdiction of the Special Regional Medical Boards and the Special District Medical Boards are indicated in Appendix I.

6. All authorities, who have powers to impose major penalty on Government Servants, are requested to take following action:—

(1) A list should be prepared of Government Servants whose cases have been reviewed under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, and who have been allowed to continue beyond the age of 55 years, or will attain the age of 55 years beofre 19th September, 1964.

(2) The above-mentioned Government Servants should be required under rule 7 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960 to undergo a Medical Examination by the relevant Medical Board mentioned in Appendix I. A specimen order under this rule is enclosed as Appendix II for use by the authority concerned.

(3) Those of the above-mentioned Government Servants, in whose cases the Medical Report is unfavourable or who refuse to undergo medical examination, may be proceeded against under the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, considering the merit of each case. It will be necessary in some cases to frame a charge and communicate it to the persons concerned, to appoint an Enquiry Officer, to issue a show cause notice and to pass a final order. During the procedure the persons concerned may be provided an opportunity to appeal to the Provincial Medical Board against the findings of the Lower Board.

7. With regard to the standard of medical fitness and the procedure for the working of the Medical Board necessary instructions will be issued to the Conveners of the Medical Boards by the Health Department.

8. With regard to the cases of Government Servants who will attain the age of 55 years on or after 19th September, 1964, further instructions will be issued in due course.

(S&GA Dept letter
No. SOIV (S&GAD)-4/37-64,
dated 1-6-64)

APPENDIX I

SPECIAL REGIONAL MEDICAL BOARDS

Name of the Board	*Composition of the Board*	*Jurisdiction of the Board*
(1) Special Regional Medical Board, Peshawar	(1) Director of Health Services, Peshawar, Convenor.	Gazetted Officers posted in the Divisions of Peshawar and Dera Ismail Khan.
	(2) Professor of Medicine, Khyber Medical College.	
	(3) Professor of Opthlamology, Khyber Medical College.	
(2) Special Regional Medical Board, Rawalpindi and Lahore.	(1) Director of Health Services, Lahore Region, Convenor.	Gazetted Officers posted in Rawalpindi and Lahore Divisions.
	(2) Physician, Services Hospital.	
	(3) Professor of Opthalmology, King Edward Medical College, Lahore.	
(3) Special Regional Medical Board, Sargodha at Lahore.	(1) Administrator, King Edward Medical College, Lahore. Convenor.	Gazetted Officers posted in Sargodha Division.
	(2) Professor of Medicine.	
	(3) Assistant Professor of Opthalmology, King Edward Medical College, Lahore.	
(4) Special Regional Medical Board, Multan.	(1) Director of Health Services, Multan Region, Convenor.	Gazetted Officers posted in Multan and Bahawalpur Divisions.
	(2) Professor of Medicine, Nishtar Medical College, Multan.	
	(3) Professor of Opthalmology, Nishtar College, Multan.	
(5) Special Regional Medical Board, Hyderabad.	(1) Administrator, Liaquat Medical College, Convenor	Gazetted Officers posted in Hyderabad and Khairpur Divisions.
	(2) Professor of Clinical Medicine, Liaquat Medical College.	
	(3) Professor of Opthalmology, Liaquat Medical College, Hyderabad.	

(6) Special Regional Medical Board, Karachi.	(1) Administrator, Dow Medical College, Karachi, Convenor.	Gazetted Officers posted in Karachi Division.
	(2) Professor of Medicine, Dow Medical College, Karachi.	
	(3) Professor of Surgery, Dow Medical College.	
(7) Special Regional Medical Board, Quetta.	(1) Medical Superintendent, Sandeman Civil Hospital, Quetta, Convenor.	Gazetted Officers of Quetta and Kalat Divisions.
	(2) Eye Specialist, Sandeman Civil Hospital, Quetta.	
	(3) Medical Specialist from the C. M. H. Quetta.	

SPECIAL DISTRICT MEDICAL BOARDS

Special District Medical Boards shall consist of the Medical Superintendent who will be the Convenor and the District Health Officer will be member. Their jurisdiction will be all non-gazetted officers in the district.

APPENDIX II

No. S. O. IV (S&GAD)-4-37/64

GOVERNMENT OF WEST PAKISTAN

SERVICES AND GENERAL ADMINISTRATION DEPARTMENT

(SECTION IV)

Dated Lahore, the 1964

ORDER

IN pursuance of Rule 7 (1) of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, Mr. ————————, designation and posting is hereby directed to undergo a medical examination by the Special Provincial/ Regional/ District Medical Board constituted by the Governor of West Pakistan under Services and General Administration Department's letter No. SOIV (S&GAD)-4-37/64, dated the 1-6-64 and to report for this purpose to the Convenor of the said Board on the date, time and place to be fixed by him.

Authority (Designation)

———

No. S. O. IV (S&GAD)-4-37/64, dated Lahore, the

A copy is forwarded to—

(1) The Government Servant concerned.

(2) The Convenor of the Medical Board with the request that early arrangements may be made for the medical examination of the Government Servant and a report forwarded to the undersigned immediately. He should fix a date, time and place for the meeting of the Board and intimate the same directly by registered post to the Government Servant concerned.

(3) The Immediate Supervision Officer of the Government Servant for information and with the request that Mr.————————may be permitted to appear before the ————Board.

Authority (Designation)

PART V

SECTION 2

(I)

PREMATURE RETIREMENT OF GOVERNMENT SERVANTS—SCRUTINY OF RECORDS FOR

Under Note 1 below rule 5.33 of the Civil Services Rules (Punjab) Volume II and Note I below Rule 465-A of Civil Services Regulations, Government retains an absolute right to retire any Government servant after he has completed 25 years service without giving any reasons and no claim to special compensation on this account is to be entertained. This right is to be exercised only when it is in the public interest to dispense with the further services of a Government servant, such as on account of inefficiency or reputation for corruption. Thus the rule is intended for use:—

(*i*) against a Government servant whose efficiency is impaired or against one who has ceased to be fully efficient (i.e. when a Government servant's value is clearly incommensurate with the pay which he draws) but not to such a degree as to warrant his retirement on a compassionate allowance; and

(*ii*) in cases where corruption is clearly established (even though no specific instance has come to light) on the ground that:—

(*a*) he has a general and persistent reputation of being corrupt; or

(*b*) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecunirary resources or of property dis-proportionate to his known sources of income; or

(*c*) he has assumed a style of living beyond his ostensible means or above his status.

2. Government have decided that, for the present cases of all Government servants of Class I and Class II Gazetted status, who have completed or are about to complete 25 years' service, and who fall within the above two categories, for purposes of compulsory retirement should be scrutinized under the existing rules in accordance with the instructions contained in this Memorandum.

3. Action under the rules quoted above is to be taken in respect of Government servants to whom these rules are applicable. In regard to the Government servants of other Integrating Units, where the abovementioned rules are not inforce, action against them is to be taken under the correspon-ding rules of those Units, which are explained in the enclosed statement.

4. All Secretaries to Government are requested to set up immediately Small Scrutiny Committees consisting of themselves and two other senior officers for scrutinising the records of all gazetted Government servants under their ad-ministrative control who have completed or are about to complete 25 years' service.

5. It is not obligatory, in some cases, to provide an opportunity to the Government servant concerned to show cause against the proposed action. But in cases where the Scrutiny Committee considers that this should be done or where such a procedure is provided for in the rules, the necessary action should be taken accordingly. In any case, the basis on which the Government servant is to be retired will have to be com-municated to him in the order to enable him to apply for review of the order, as provided in Article 182(3)(b) of the late Constitution.

6. All Secretaries to Government are requested to ensure that the screening is completed as early as possible and fol-lowing information is submitted to Services and General Admi-nistration Department by the 31*st August*, 1960:—

(*i*) Names and particulars of Government servants who have completed or are about to complete 25 years of service.

(*ii*) Government servants selected by the Scrutiny Committees for compulsory retirement before the age of superannuation, with reasons.

7. It may be pointed out that Article 188(2) (c) of the late Constitution makes it obligatory on the competent au-thority to consult the West Pakistan Public Service Commission before ordering the premature retirement of a Government ser-vant. This action will have to be taken after it is tentatively decided to retire him.

(S&GA Dept memo
No. SOXII-2-73/60,
dated 9-8-60)

(2)

AGE OF SUPERANNUATION OF GOVERNMENT SERVANTS

I am directed to say that the Provincial Government have decided to raise the age of superannuation from 55 to 60 years, with effect from the 22nd June, 1960.

2. It should be clearly undertsood that the raising of the age limit is subject, *inter-alia,* to the condition that the competent authority would scrutinize the cases of officers at two stages, namely, when they complete 25 years qualifying service and when they reach the age of 55 years.

3. The procedure for this review is being worked out and a further communication will follow in due course. Action is also being taken to amend the appropriate rules to give effect to the Government decision in question.

4. Pending the issue of these instructions and the amendment of the rules, all Administrative/Attached Departments are requested to continue in Service all those Government servants who were due to retire on or after the 22nd June, 1960, and who wish to continue in service. Their cases will be considered as soon as the detailed procedure for determining their utility has been worked out. In the meantime all officers retained in Service under these instructions should be told in clear terms that they are being retained in Service on the express condition that they shall be subject to all the restrictions that may be laid down in the final orders. Those Government servants who choose not to abide by the conditions outlined above should be allowed to retire in accordance with the existing rules applicable to them.

(S&GA Dept letter
No. SOXII-2-5/60,
dated 20-8-60)

(3)

A question has arisen whether a Government servant who is required to retire after completing 25 years of service should be allowed the maximum pension as admissible under the rules or whether any reduction should be made therein on the ground that his service was not thoroughly satisfactory.

2. According to the normal rules, the full pension otherwise admissible is not to be given as a matter of course, but only if the sanctioning authority fully approves the service and records a certificate to that effect. During the general screening operations conducted in 1959 under the special powers created by clause 5 of Article 6 of the Laws (Continuance in Force) Order, 1958, it was decided to waive this normal requirement in case of ordinary pensions as a general policy.

3. The above-mentioned policy was operative only in case of the Government servants who were compulsorily retired under the special law conferred in 1959 for a short period. It is not intended that the same policy should apply in case of the Government servants who are retired on completion of 25 years' service under the normal rules. It has been decided that in such cases the normal rules relating to grant of pension should be invoked. Every case should, therefore, be examined in the light of these rules.

4. The competent authority sanctioning pensions in such cases should, however, keep the following factors in view:—

(i) No cut in pension need be imposed merely because a Government servant is being retired under the "25 years" rule.

(ii) The age limit for superannuation has now been raised from 55 to 60 years and the application of "25 years" rule will now further deny a Government servant another 5 years pensionable service.

(S&GA Dept letter
No. SO XII-4-5/61,
dated 3-4-61)

(4)

I am directed to refer to circular letter No. S.O. XII-2-5/60, dated the 20th August 1960, where in it was mentioned that the raising of the age of superannuation from 55 to 60 years is subject *inter alia,* to the condition that the competent authority would scrutinize the cases of officers at two stages, namely, when they complete 25 years of qualifying service and when they reach the age of 55 years, and that the procedure for this review would be laid down in due course.

2. The decision to raise the age limit has since been given a legal shape through the Laws (Continuance in Force) (Sixth Amendment) Order, 1960, which was issued on 25th October 1960. A copy of this Order is enclosed for information.

3. It would be noticed from Article 6 (9) (c) and (d) that review of the cases of Government servants at two stages has to be conducted under the rules to be framed by the Governor with the previous approval of the President. The matter is under correspondence with the Central Government and the rules, when finalized, will be published in the West Pakistan Gazette.

(S&GA Dept letter
No. SOXII-2-251/60,
dated 3-4-61)

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW

NOTIFICATION

No. F 2(21)/60-Legis, dated 25th October, 1960.

The following Order made by the President on the 3rd October, 1960, is hereby published for general information: —

PRESIDENT'S ORDER NO. 23 OF 1960

THE LAWS (CONTINUANCE IN FORCE) (SIXTH AMENDMENT) ORDER, 1960

In pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order: —

1. (1) This Order may be called the Laws (Continuance in Force) (Sixth Amendment) Order, 1960.

(2) It shall come into force at once.

2. To Article 6 of the Laws Continuance in Force) Order, 1958, hereinafter referred to as the principal Order, the following new clauses shall be added at the end, namely: —

"(9) Notwithstanding anything in clause (1) but subject as hereinafter provided,—

(a) the date of compulsory retirement of a person in the service of Pakistan shall be the date on which he attains his sixtieth birthday;

(b) nothing in clause (a) shall effect—

(i) any term or condition of service applicable to any such person immediately before the twenty-second day of June, 1960, under which he may retire before his sixtieth birthday; or

(ii) any term or condition of service applicable immediately before the twentysecond day of June, 1960 to a member of the former Indian Civil Service, or to a person who immediately before that day was a Chief Engineer of the Public Works or Railway Department, under which he might be permitted to serve for a limited period beyond the time for compulsory retirement otherwise applicable to him;

(c) notwithstanding anything in the two foregoing clauses the President in the case of a person who is a member of Civil Service of Pakistan or a person serving in connection with the affairs of the Federation and the Governor in the case of a person (not being a member of the Civil Service of Pakistan, serving in connection with the affairs of a Province) may review the case of any person in the service of Pakistan, when he is about to complete twenty-five years of service qualifying him for a pension, and when he is about to complete the fiftyfifth year of his age, in order to satisfy himself of that person's further usefulness to the public service and if he is not so satisfied may direct his retirement from service upon his completing the qualifying service or year of age.

(d) the President or the Governor (as the case may be) with the previous approval of the President may make rules for carrying into effect the provisions of sub-clause (c) but nothing in this clause shall affect any disciplinary power vested in the President or a Governor under any law or rule for the time being in force.

For the removal of doubt it is declared that the provisions of the Explanation to clause (1) apply to this clause.

(10) Notwithstanding anything in clause (1) no person in the service of Pakistan shall enter into marriage or a promise of marriage with a person who is not a citizen of Pakistan except with the previous permission of the Central Government.

(11) Nothing in this Article or in any rule or enactment relating to conditions of service shall be construed to limit or abridge the power of the President or a Governor to deal with the case of any person in the service of Pakistan in such manner as may appear to him to be just and equitable;

Provided that where anything in this Article or in any such rule or enactment is applicable to the case of any person the case shall not be dealt with in any manner less favourable to him than that provided by this Article or the rule or enactment."

3. Clause (9) of Article 6 of the principal Order as added by this Order shall be deemed to have taken effect on the twenty second day of June, 1960.

4. Nothing in clause (9) of Article 6 of the principal Order as added by this Order shall apply to members of the armed forces.

5. For the removal of doubt it is hereby declared that the provisions of clause (10) of Article 6 of the principal Order as added by this Order, shall apply also to all members of the armed forces.

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(5)

EXTENSION IN SERVICE OR RE-EMPLOYMENT BEYOND THE AGE OF SUPERANNUATION.

Following the decision to raise the age of superannuation from 55 to 60 years, Government have reviewed the existing instructions on the subject noted above, as contained in Services and General Administration Department circular letter No. S (R) 1976/10-3/59- S.O. XIII, dated the 24th July 1959, and subsequently modified from time to time. In supersession of the said instructions it has been decided that:—

2. *Extension*—These should be no extension in service beyond the age of superannuation.

3. (i) *Re-employment after the age of* 60 *years*—No non-gazetted Government servant should be re-employed beyond the age of 60 years.

(ii) The gazetted Government servants, who are considered indispensable on public grounds may be re-employed beyond the age of 60 years subject to medical fitness for which purpose a certificate should be obtained from a competent medical authority. Their cases should be initiated by the Administrative Department concerned and submitted to Services and General Administration Department in a self-contained reference (in duplicate) for obtaining the concurrence of the Martial Law Authorities and the order of the Governor. The cases of Class 1 Officers and above should be referred by Services and General Administration Department to the Selection Board.

4. The cases of re-employed Government servants who are over 60 years of age should be reviewed in the light of the above instructions, but the terms of re-employment should not be terminated in case if it will otherwise expire within 6 months. Those cases of re-employment, however, in which decision was taken subsequent to the issue of Services and General Administration Department's letter No. S. O. XII-2-5/60, dated the 20th August 1960, and the procedure outlined in this was observed, need not be reviewed.

5. *Re-employment up to the age of* 60 *years*—The Government servants who superannuated before 22nd June 1960—the date from which the decision regarding the raising of the age of superannuation become effective—may be

re-employed by the competent authority indicated in paragraph 6 below up to the age of 60 years provided they are considered physically fit for further Government service. Where the Head of an Attached Department is of the view that a re-employed Government servant is not physically fit he may get him medically examined by a competent medical authority.

6. The powers of various authorities to sanction re-employment of Government servants up to the age of 60 years shall be as under:—

(i) Non-Gazetted Staff (ii) Class II-technical and holders of un-classified technical posts, carrying maximum pay of less then Rs. 850 per mensem.	Heads of Attached departments.
(iii) Class II—non-technical and holders or un-classified non technical posts carrying maximum pay of less than Rs. 850 per mensem.	Administrative Department.
(iv) Class I officers and holders of un-classified posts carrying maximum pay of Rs. 850 per mensem.	Government through the Selection Board.

7. It is not necessary to consult the Martial Law Administrator for re-employment of Government servants up to the age of 60 years.

8. *General*—Re-employment should be allowed only with the previous sanction of the competent authority. Whenever a Government servant is re-employed, reasons for doing so must be recorded in writing. In case it is desired to extend the term of re-employment, the sanction of the competent authority should be obtained at least 3 months before the expiry of the previous term. The re-employment should only be resorted to if it is considered necessary in the public interest and the service record of the official is good.

9. The re-employment should be subject to termination of service on one month's notice on either side. However, Government reserves the right to terminate the service at any time of re-employed Government servant if it is found on medical evidence that he is unfit, or likely to continue to be unfit for a considerable time by reason of ill-health for the discharge of his duties, or if he has been found guilty of insubordination, intemperance, misconduct, or of any breach or non-observance of (these presents or) any rules pertaining to his service.

10. While forwarding cases of re-employment of officers to the Services and General Administration Department the information in the following *Proforma* should always be supplied: —

PROFORMA.

Proposal for Re-employment.

(1) Name.

(2) Age.

(3) Post previously held and class of such post.

(4) Post in which to be re-employed.

(5) Class of post.

(6) Proposed term of re-employment: —

(*a*) Whether it is a cadre post or an ex-cadre post?

(*b*) Whether the post is permanent or temporary?

(*c*) Whether recruitment rules exist for appointment to the post?

(*d*) Whether any blocks in promotion or confirmation are likely to result?

(*e*) Action taken to find a substitute, if any fresh appointment is to be made.

(*f*) Brief reasons for the proposal.

11. The pay of re-employed Government servant may be fixed in accordance with the principles laid down below: —

(*i*) A Government servants should normally be re-employed on the substantive pay last drawn less pension.

(*ii*) He may be re-employed on the officiating pay (exclusive of special pay) last drawn less pension; provided it is certified that he will have continued to officiate in the post held by him at the time of his retirement but for his retirement for a period not less than that for which he is re-employed.

(*iii*) Where a Government servant, on re-employment is appointed to a post, which carries special pay, then the special pay may be given to him in addition to the pay as worked out in accordance with the preceding clauses.

(*iv*) The above fixation of pay is subject to the condition that no re-employed officer may be allowed pay, which is less than the minimum of the scale of the post to which he is appointed less pension, or more than the maximum of the scale less pension.

(*v*) The word "Pension" used in this letter includes special additional pension, commuted portion of pension, if any, and the surrendered portion of pension under the New Pension Rules.

12. In case the re-employment of a Government servant takes place before his pension is sanctioned and there is no immediate prospect of such pension being fixed and he is not subject to the New Pension Rules, then he may continue to draw on a provisional basis the pay that he was drawing prior to retirement, subject to the maximum and minimum of the scale of the post to which he is appointed. In case such a Government servant is subject to the New Pension Rules, then his approximate pension may be estimated and one quarter of this approximate pension may be deducted and the remaining pay authorised to him on a provisional basis, subject once again to the proviso that inclusive of the amount so deducted the pay authorised should not be more than the maximum or less than the minimum of the scale of the post to which he is appointed. After the pension of such an officer is sanctioned, the amount drawn by him provisionally, may be split up between pension and pay and suitable adjustments of excesses and deficiencies in the amounts drawn by him made.

13. Ordinarily, pension of a re-employed officer should not be held in abeyance and should be allowed to him as a separate item in addition to the pay that is fixed for him.

14. If a re-employed Government servant has received a gratuity other than a gratuity under the New Pension Rules at the time of retirement, it should be treated as commuted value of pension and the amount of monthly pension of which that is the commuted value, worked out and the pay of the Government servant in question should be fixed on the assumption as if he had received that amount of pension on retirement.

15. In case of a Government servant, who has retired on Contributory Provident Fund, the amount of the Government contribution with interest charges thereon should be

treated as the commuted value of pension and the amount of pension of which it is the commuted value worked out. The pay of such a re-employed Government servant should then be fixed on the assumption as if he was in receipt of the amount of pension so calculated.

16. The authority competent to sanction re-employment may also sanction emoluments to be allowed in accordance with the above principles. In case it is desired to give any higher emoluments in relaxation of the rules, the question of fixation of pay may be referred to the Finance Department through the Administrative Department concerned for advice.

17. A model draft which may be used in all such cases is enclosed for guidance.

(S&GA Dept. letter
No. S(R)-451-61/10-3/59-SOXIII,
dated 20-5-61)

MODEL DRAFT

Sanction is accorded to the re-employment of Mr.——
——————for a period of——————————with effect from—————————— on the following terms and conditions:—

(1) *Pay*—He will be entitled to the substantive pay/pay which he was drawing at the time of retirement, less pension, including the commuted portion, if any. He will also be entitled to Dearness Allowance/Cost of Living Allowance as admissible under the rules.

(2) *Pension and Provident Fund.*—He will not be entitled to any pension for the period of re-employment. He will subscribe towards the Provident Fund during the period of re-employment unless the period is less than two years. The pension already earned will be paid to him in addition to pay indicated above.

(3) *Leave*—He will be allowed leave in accordance with the rules issued on the subject by the West Pakistan Government.

(4) *Government Servants Conduct Rules.*—He will be subject to the Government Servants Conduct Rules as applicable to the service to which he belonged at the time of retirement.

(5) *Medical Attendance.*—He and his family will be entitled to the benefit of medical attendance in accordance with the provisions of West Pakistan Government Servants (Medical Attendance) Rules, 1959.

(6) *Termination of service.*—His service will be liable to termination on one month's notice from either side. However, Government reserves the right to terminate his service at any time if it is found on medical evidence that he is unfit or is likely to continue to be unfit for considerable time by reason of ill-health for the discharge of his duties, or if he has been found guilty of insubordination, intemperance, misconduct, or of any breach of or non-observance of (these presents or) any rules pertaining to his service.

O Three months in case of persons re-employed beyond 60 years—

(6)

According to Presidential Order No. 23 of 1960, the date of compulsory retirement of a person in the service of Pakistan shall be the date on which he attains his 60th birthday. This order has been given effect from the 22nd June, 1960. A question has arisen whether the Government servants who were on leave preparatory to retirement on or after 22nd June, 1960 are governed by these orders.

2. These cases can fall under the following two categories: —

(*i*) Those Government servants who were on leave, preparatory to retirement on or after 22nd June, 1960, *i.e.* where leave was taken *before* the date of superannuation (55 years).

(*ii*) Those cases where leave was taken *after* the date of superannuation (55 years on the ground that it was refused in public interest earlier and was, therefore, allowed after the date of superannuation and extended beyond 22nd June, 1960. In this connection attention is invited to Fundamental Rule 86 (which corresponds to rule 8·22 of C. S. R. (Punjab), Volume I, Part I and rule 753 of the Sind Civil Services Rules, Volume I).

3. It has been decided that both categories of Government servants are covered by the orders raising the age of retirement to 60 years, and accordingly they are entitled to be continued in service up to the age of 60 years, subject to review of their cases as mentioned in the Presidential Order No. 23 of 1960.

(S&GA Dept letter
No. SO XII-2-150/60,
dated 17-6-61)

(7)

I am directed to refer to paragraph 3 of circular letter No. S.O. XII-2-251/60, dated 3rd April 1961 on the subject noted above and to say that since the framing of rules is optional, it is undesirable that the Government servants should be continued in service without their cases being reviewed at two stages. It is now proposed that, pending the framing of rules, the following general instructions be followed: —

(*i*) All appointing authorities should review the records of all Government servants who are about to complete 25 years of service qualifying them for a pension or about to complete the 55th year of their age *during the next six months* and forward their recommendations for compulsory retirement to the Administrative Department concerned through the Head of Attached Department. In such cases, the appointing authorities should also forward the explanation of the Government servants concerned against the proposed action.

(*ii*) In future, the appointing authorities should take up the case of each Government servant six months before he completes 25 years of qualifying service or 55 years of age and review his case with a view to deciding whether he should be retired under Article 6 (9) (c). The recommendations for or against should be forwarded to Government in the Administrative Department concerned through the Head of Attached Department.

(*iii*) In case of those Government servants who have already completed 25 years of service qualifying them for a pension and have also completed 55 years of age, the appointing authorities should review their record in case this had not been done at the appropriate stage and decide whether they should be retired under the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, and take further action accordingly.

(S&GA Dept letter
No. SO XII-2-251/60,
dated 4-9-61)

(8)

I am directed to refer to this Department circular No. S. O. XII-2-251/60, dated the 4th September 1961, on the subject noted above, and to say that the Central Government has recently issued instructions that when once an officer has been cleared in the first check after reaching 25 years of qualifying service he should automatically serve till he reaches 55 years of age. However, if he is also cleared at the second check at the age of 55 years, he should have the assurance of continuing till the age of superannuation *i.e.*, 60 years. It is emphasised that there should be only two checks for a Government servant, *i.e.*, at completing 25 years of qualifying service and on attaining 55 years of age.

2. I am to add that this assurance would be subject to the physical and mental fitness and application of Efficiency and Discipline Rules, where called for.

(S&GA Dept letter
No. SO XII-2-251/60,
dated 18-11-1961)

I am directed to refer to this Department circular No. F. 1(2)/EV(A)/54 dated the 4th September 1954, on the subject noted above and to say that the Central Government has recently issued instructions that when once an officer has been cleared for the first time after reaching 50 years of age he should automatically serve till he attains 55 years of age. Moreover, if he is also cleared at the second review at the end of 55 years, he should have the guarantee of continuation till the age of superannuation for retirement. It is accordingly decided that there should be only two reviews for a Government servant, d.e., at completion of 25 years of qualifying service and on attaining 50 years of age.

2. I am to add that this assurance would be subject to the medical and special issues and application of Efficiency and Disciplining Rules, where called for.

(SR(A) Dept letter
No. SD XII-2251/60,
dated 18-11-1960)

(9)

According to Laws (Continuance in Force) (Sixth Amendment) Order, 1960, promulgated on 25th October, 1960, the age of superannuation of Government servants has been raised to 60 years and this order was given retrospective effect from 22nd June, 1960. A question has arisen how the period of 'break' in service of those Government servants who had retired at the age of 55 years under the old rules between the period from 22nd June, 1960, and the date from which they were recalled to service consequent on the raising the age of superannuation to 60 years, should be treated.

2. It has been decided in consultation with the Law and Finance Departments that—

(*i*) the absence of Government servants from their duty between the date of their retirement after 22nd June, 1960 at the age of 55 years and the date when they resumed duty should be treated as leave due, and when no leave with pay is admissible, as extraordinary leave.

(*ii*) the amount of pension and the gratuity paid to such Government servants in lieu of the surrendered portion of pension as well as commuted portion of pension should be recovered from them.

(S&GA Dept Memo.
No. SO XII (S&GAD)-2-141/60,
dated 26-2-62)

According to Laws (Continuance) (Sixth Amendment) Order, 1962, promulgated on 22th October, 1960, the age of superannuation of Government servants has been raised to 60 years and this order was given retrospective effect from 22nd June, 1960. A question has arisen how the period of 'break' in service of those Government servants who had retired at the age of 55 years under the old rules between the period from 22nd June 1960, and the date from which they were recalled to service consequent on the raising the age of superannuation to 60 years, should be treated.

2. It has been decided in consultation with the Law and Finance Departments that—

(i) the absence of Government servants from their duty between the date of their retirement [illegible] 22nd June 1960) at the age of 55 years and the date when they resumed duty should be treated as leave due, and when no leave with pay is admissible, as extraordinary leave.

(ii) the amount of pension and the gratuity paid to such Government servants in lieu of the surrendered portion of pension as well as commuted portion of pension should be recovered from them.

(SRCA Page 41-no.

No. SO XII (S&GA)(B)-2141/60

dated 26-2-63)

I am directed to say that rules are being framed to raise the age of compulsory retirement of Government servants to 60 years and to provide for screening the Government servants at two stages, *i.e.*, on completion of 25 years of service and on attaining the age of 55. In the meantime all Administrative Departments should carefully examine the record of officers who fall within the two categories and carry out a preliminary screening without delay so that no further time is lost in this process when the rules are formally notified.

2. It has been pointed out in this Department circular No. SO XII-2-251/60, dated the 4th September, 1961 that framing of rules is optional. Where it is considered necessary to dispense with the services of an official who has completed 25 years of service or has attained the age of 55 years, action can be taken, without waiting for the framing of the rules. After scrutinizing the record of such officials, the appointing authority should take a provisional decision compulsorily to retire the officials whose continuance in service is not considered to be in the interest of public service. Thereafter, a show-cause notice may be served, briefly stating the grounds for action. The official concerned may be given an opportunity to submit an explanation within reasonable time, if he wishes to do so. Reference may be made to the Public Service Commission in accordance with the provisions of rule 5(1) of the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957 for obtaining their concurrence, and then final orders should be passed by the appointing authority.

(S&GA Dept letter

No. SO XII (S&GAD)-4-19/62,

dated 16-2-63)

It is intended to say that rules are being framed to take the case of compulsory retirement of Government servants to [illegible] and to provide for effecting the Government servants' retirement on completion of 25 years of service or on attaining the age of 55. In the meantime all Administrative Departments should carefully examine the records of officers falling within the two categories and carry out the necessary screening without delay so that no further time is lost when the rules are formally notified.

It has been pointed out in this Department circular No. [illegible] dated the 4th September, 1961 that [illegible] framing of rules is being considered. Where it is considered necessary to dispense with the services of an official who has completed 25 years of service or has attained the age of 55 years, action may be taken, without waiting for the framing of the rules. After examining the record of such officials, the appointing authority should take a provisional decision regarding the officials whose continuance in service is not considered to be in the interest of public service, [illegible] may be served, briefly stating the grounds for action. The official concerned may be given an opportunity to submit an explanation which he may wish to, if he wishes to do so. Reference may be made to the Public Service Commission in accordance with the provisions of rule 5(1) of the West Pakistan Public Service Commission (Functions) Regulations, 1957 for obtaining their concurrence, and then final orders should be passed by the appointing authority.

(S&GA Dept letter
No. SO XII (S&GA)D-1-10/62,
dated 16.3.59)

PART V

SECTION 3

(1)

WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

In exercise of the powers conferred by sub-clause (2) of Article 178 of the Constitution of the Republic of Pakistan, the Governor of West Pakistan, is pleased to make the following rules, namely:—

THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963.

1. (1) These rules may be called the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963.

(2) They shall apply to all persons serving in connection with the affairs of the Province of West Pakistan including the employees of the Provincial Government deputed to serve under the Central Government or with a Statutory Corporation or with a non-Government employer, but excluding—

(a) members of an All Pakistan Service serving in connection with the affairs of the Province;

(b) employees of the Central Government or other authority deputed temporarily to serve under the Provincial Government; and

(c) holders of such posts in connection with the affairs of the Province as the Provincial Government may by notification in the official Gazette, specify in this behalf.

(3) They shall come into force at once.

2. In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a) "Appropriate Authority" in relation to a person to whom these rules apply, means the authority competent to remove such person from service;

(b) "Class I Officers" means an officer who is a member of a Class I Service, or who holds a Class I post or a post the maximum pay scale of which exceeds Rs. 800 per mensem;

(c) "Commission" means the West Pakistan Public Service Commission;

(d) "Committee" means a Committee appointed under rule 4 (1);

(e) "Delegate" means a body of officers to which the powers under rule 6 have been delegated under the provisions of Rule 11;

(f) "Government" means the Government of West Pakistan;

(g) "Governor" means the Governor of West Pakistan.

3. Notwithstanding anything contained in the Fundamental Rules, the Civil Service Rules (Punjab), the Sind Civil Service Rules Manual, the N.W. F.P. Civil Service Regulations, the Bahawalpur State Civil Service Regulations and the Khairpur State Civil Service Rules, but subject as hereinafter provided, the date of compulsory retirement of a person to whom these rules apply shall be the date on which he attains his sixtieth birthday:

Provided that nothing in this rule shall affect any term or condition of service applicable to any person who, immediately before the 8th June 1962, was entitled to retire before attaining the age of sixty years.

4. (1) Notwithstanding anything contained in rule 3, the case of every person to whom these rules apply shall be referred by the Appropriate Authority to the Appropriate Committee appointed by the Governor, in order to determine the further usefulness of such person in service, at two stages only, namely, when he is about to complete twenty-five years of service qualifying him for pension and when he is about to complete the fifty-fifth year of his age:

"Provided that the case of a person who has completed before, or completes on or will complete within one year and two months of, the commencement of these rules, twenty-five years of service qualifying him for pension or the fifty-fifth year of his age, may be reviewed within one year and two months from the commencement of these rules in the manner provided hereafter, if such person's case was not reviewed

before the coming into force of these rules for the purposes of retirement on the completion of twenty-five years of qualifying service or on the attainment by him of fifty-five years of age, as the case may be, under any rules then applicable to him:".

Provided further that if a person completes the fifty-fifth year of his age earlier than the completion of twenty-five years of service qualifying him for pension or other retirement benefits, his case shall be considered only when he completes the fifty-fifth year of his age.

(2) When making a reference to the Appropriate Committee under sub-rule (1), the Appropriate Authority shall send to the Committee all relevant record together with its recommendations whether in its opinion the person whose case is referred be retained in service or not.

(2-A.) The Appropriate Authority shall refer the case of every person, who is about to attain the age of fifty-five years on or after the 19th of September, 1964 and whose case is required to be reviewed under these rules, to the Appropriate Medical Board constituted by Government for the purpose, for a report whether such person is physically fit and mentally alert and the Appropriate Authority shall send such report as soon as the same is received by it, to the Appopriate Committee.

(3) Action under sub-rule (2) shall be taken early enough to enable the order to be made under rule 6 to be communicated to the person concerned, as far as possible, at least three months before such person completes the qualifying service or the fifty-fifth year of age, as the case may be, and in the case of a person referred to in the first proviso to sub-rule (1) within one year and two months from the commencement of these rules.

(4) The Committee to be appointed under sub-rule (1) shall consist of not less than three members.

Provided that no person below the rank of a Secretary to Government or the Head of an Attached Department shall be appointed to be a member of a Committee to consider the case of a Class I Officer:

Provided further that the Appropriate Authority in relation to any person shall not be a member of any Committee considering the case of that person.

(5) If any member of a Committee is for any reason unable to attend any meeting of the Committee, the decisions taken or recommendations made by the remaining members, provided the number of such remaining members is not less than two, shall be deemed to be decisions taken or recommendations made by the Committee.

5. (1) The Committee shall, upon reference under sub-rule (1) of rule 4, examine the case, giving the person concerned an opportunity of being heard.

(1—A) The *criteria* for further usefulness of a person whose case is reviewed at the age of fifty-five years shall be—

(a) good or unblemished record and

(b) physical fitness and mental alertness.

(2) Where the Committee considers that the person whose case has been referred to it be compulsorily retired it shall with all resasonable despatch make its recommendations together with reasons therefor.

(3) Where the Committee considers that no action is called for against the person whose case has been referred to it, further proceedings against him shall be dropped.

6. The recommendations of the Committee together with the views thereon of the Commission in cases within the purview of the Commission shall be submitted to the Governor or the Delegate, who after considering the same may direct, if he be not satisfied as to the further usefulness in Government service of the person in respect of whom such recommendation has been made, that on or after the completion by such person of twenty-five years of service qualifying him for pension or on or after the completion of the fifty-fifth year of his age, he be retired:

Provided that if such person is fit for a lower post, he may be re-employed in such post.

7. An order made under rule 6 shall be communicated to the person concerned as far as possible at least three months before the date of completion of the qualifying service or the fifty-fifth year of age of such person and be operative on completion of such qualifying service or fifty-fifth year of age or on such later date as the Governor or the Delegate may determine:

Provided that such an order in respect of a person referred to in the first proviso to sub-rule (1) of rule 4, shall be communicated within one year and two months from the commencement of these rules and shall be operative on such date within ten months from the communication of the order as may be specified therein or on such later date as the Governor or the Delegate may determine.

8. If at any time before the assessment of a person's career at any of the two stages mentioned in rule 4 or before the issue of an order under rule 6, as a result of either of such assessment, a person requests the Appropriate Authority in writing that he be permitted to retire, either with immediate effect, or at subsequent time, or at the occurrence of any subsequent event, the Appropriate Authority may accept the request and withhold the assessment or the issue of the order under rule 6, and the person concerned shall not have the right to withdraw his request, or to claim to be kept in service beyond the date or after the occurrence of the event specified in his request; but such retirement shall not affect the right of any such person to leave preparatory to retirement, or to other benefits to which he may be entitled.

9. Notwithstanding anything to the contrary contained in any other rule or Delegation Order to the contrary any person in respect of whom an order directing his retirement has been made under rule 6 may within fifteen days of the communication to him of such order prefer an appeal against such order to the appropriate authority prescribed in this behalf in the Schedule appended to these rules:

Provided that where the order of retirement has been made by the Governor no appeal shall lie against such order, but the person in respect of whom such an order has been made, may within fifteen days of the communication to him of such order, apply to the Governor for review of the order, and any order passed in such review shall be final.

10. A person retired under these rules shall be entitled to the following:—

(1) *Pension, Compensation and Gratuity*—(i) For Government servants in pensionable service—such compensation, pension or grattuity as would have been admissible to him under the rules applicable to his service or post on the date of compulsory retirement, if he had been discharged from service on account of the abolition of his permanet post without suitable alternative employment being provided to him;

(ii) For Government servants in non-pensionable service, who have subscribed to a Contributory Provident Fund, such benefits of contributory Provident Fund as would have been admissible under the rules applicable to him, if he had been compelled to leave service by reason of the abolition of his permanent post.

(2) *Leave*—Such leave as may be due to him on the date of his retirement, but not exceeding the leave which could have been granted to him as leave preparatory to retirement:

Provided that notwithstanding the provisions of any other rules to the contrary, a person granted leave under this sub-rule shall not be deemed to be in service during the period of such leave.

(3) *Travelling Allowance*—Such Travelling Allowance, if any, as may have been admissible to him if he had retired on superannuation.

11. The Governor may, except in respect of persons in relation to whom he is the appointing authority, delegate his powers under these rules to a body comprising of not less than two officers.

SCHEDULE

(*See* RULE 9)

Description of post office	*Authority to whom appeal lies*
I. (a) All non-gazetted district staff (other than the staff in the Secretariat, offices and Cells attached to the Secretariat, offices of the Heads of the attached Departments and Regional, Divisional and Circle Offices) in the Divisions of Lahore and Rawalpindi.	Member (Revenue), Board of Revenue.
(b) All non-gazetted district staff (other than the staff of the Circle, Divisional and Regional Offices) in the Divisions of Bahawalpur and Hyderabad.	Member (Land Reforms), Board of Revenue.
(c) All non-gazetted district staff (other than the staff of the Circle, Divisional and Regional Offices) in the Divisions of Multan and Sargodha.	Member (Land Utilization), Board of Revenue.
(d) All non-gazetted district staff (other than the staff in the Circle, Divisional and Regional Offices) in the Divisions of Peshawar, Dera Ismail Khan and Khairpur.	Member (Colonies), Board of Revenue.

Description of post office	*Authority to whom appeallies*
(e) All non-gazetted district staff (other than the staff in the Circle, Divisional and Regional Offices) in the Divisions of Karachi, Quetta and Kalat.	Member (Judicial), Board of Revenue.
II. (a) All Class II officers and Gazetted officers of equivalent status and the non-gazetted staff of the Circle, Divisional and Regional Offices in the following Departments :—	Additional Chief Secretary, Planning and Development Department.
(1) Auqaf Department.	
(2) Basic Democracies Department.	
(3) Finance Department.	
(4) Food Department.	
(5) Industries and Commerce Department.	
(6) Information Department.	
(7) Law Department.	
(8) Irrigation and Power Department.	
(9) Education Department.	
(10) Board of Revenue, West Pakistan.	
(b) All Class II officers and gazetted officers of equivalent status and the non-gazetted staff of the Circle, Divisional and Regional Offices in the following Departments.—	Second senior-most Member of the Board of Revenue.
(1) Services and General Administration Department.	
(2) Agriculture Department.	
(3) Communications and Works Department.	
(4) Co-operation, Labour and Social Welfare Department.	
(5) Health Department.	
(6) Home Department.	
(7) Planning and Development Department.	

Description of post office	*Authority to whom appeal lies*
III. All non-gazetted staff of the Secretariat, Attached Departments and offices and Cells attached to the Secretatariat.	Additional Chief Secretary, Services and General Administration Department.
IV. Class II and other gazetted officers (other than Section Officers, Class I Officers and Members of an All Pakistan Service) in the Secretariat, Attached Departments and Cells and Offices attached to the Secretariat.	

(S & GA Deptt Notification No. SOXII (S & GAD)-4-19/62, dated 19-7-63 as amended by Notifications No. SOXII (S & GAD)-4-19/62, dated 21-9-63, No. SOXII (S & GAD)-4-45/63, dated 16-12-63, No. SOXII (S & GAD)-4-19/62. dated 23-12-63, No. SOXII (S & GAD)-4-19/62, dated 13-1-64, No. SOIV (S & GAD)-4/5-64, dated 13-3-64 No. SOIV (S & GAD)-4/19-62(1), dated 7-5-64, and No. SOIV (S & GAD)-8/12-62, dated 10-6-64)

(2)

IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to say that the West Pakistan Government Servants (Further Usefulness in Public Service) Rules have been notified in this Department's Notification No. S. O. XII (S&GAD)—4-19/62, dated the 19th July, 1963. These Rules have to be implemented immediately.

2. *Extent of Application*—These Rules apply to all persons who are serving in connection with the affairs of the Province of West Pakistan except those who have been specifically excluded under Rule (1) (2) (a) and (b). But these Rules will not apply to the Pakistan Western Railway employees, as it is proposed to issue separate rules for this Department. A notification has been issued excluding this class of Government servants. Copy is enclosed (Annexure 'I').

3. *Age of Retirement*—The age of retirement of Government servants was raised to sixty years by the Laws (Continuance in Force) (Sixth Amendment) Order, 1960, notified under No. F. 2 (21)/60-Legis., dated the 25th October, 1960, and the necessary procedure was also laid down therein. These Rules maintain the same age of superannuation with effect from the day the Constitution was promulgated and the Constitutional Order lapsed. Thus, in effect, the age of superannuation is sixty years with effect from the 22nd June, 1960.

4. *Right of Government servants to retire on completing certain period of qualifying service*—Some of the Civil Service Rules and Regulations concede the right to the Government servants to voluntarily retire on completing a certain period of qualifying service. This has been specifically saved by the proviso to Rule 3 in the case of those Government servants who were recruited before the 8th June, 1962.

5. *Initiation of cases about the further usefulness of Government servants*—First proviso to Rule 4(1) lays down that the case of a person, who has completed before or completes on or will complete within six months of the commencement of these Rules, twenty-five years of service

qualifying him for pension or the fifty-fifth year of age, may be reviewed within six months from the commencement of these Rules. This is the time limit for reviewing all pending cases which have already arisen or are likely to arise within six months from 19th July, 1963, which have to be finalized by the 18th of January, 1964. This is a vital date and has to be kept in view by all concerned. Action has to be initiated immediately by the Appropriate Authority in each case. "Appropriate Authority" has been defined to mean the authority competent to remove a person from service. In certain cases the appointments have been made by an authority higher than the present appointing authority of a post. But the West Pakistan Government have in their notification No. Integ. 15/5-61, dated the 15th September, 1962 empowered the appointing authorities mentioned in it to impose penalties on the holder of a post which includes removal from service. In view of this, the appointing authorities mentioned in that notification can be said to be the Appropriate Authority for the purpose of these Rules. But in cases where these powers have not been specifically given, the appropriate authority shall be the original appointing authority or an equivalent authority.

The appropriate authorities are requested to immediately prepare lists of Govenment servants, who have already completed either of the two stages or are likely to complete these stages within the next six months and initiate proceedings about them on receipt of this letter. This work has to be given first priority. A precis of the confidential record should be prepared and an opinion formed whether such person has to be retained in service or not. The record of all persons included in the list should be sent with specific recommendations within a period of one month from the date of this letter to the appropriate committee.

Cases of those Government servants which have been already reviewed under any Civil Service Rules/Regulations or under the Laws (Continuance in Force) Order are not to be reviewed again under the First Proviso to Rule 4(1).

Functions of the Appropriate Authority—The appropriate authority is expected to initiate proceedings about the determination of further usefulness of a Government servant in service at two stages only, i.e., when he is about to complete twenty-five years of service qualifying him for

pension and when he is about to complete the fifty-fifth year of his age, in addition to the cases which are covered by proviso to Rule 4 (1). A separate time limit for communicating the orders has been fixed for cases in which either of the two stages will arise after the 18th of January, 1964. The decision taken under Rule 6 has to be communicated to the person concerned as far as possible at least three months before such person completes the qualifying service or the fifty-fifth year of his age. In view of this, it is of great importance that all stages should be covered much before the prescribed time limit. A second list may be prepared by the appropriate authority of those Government servants who will complete either of the two stages from the 19th January, 1964 to the 18th July, 1964. This list may be given second priority and it should be ensured that the cases of such persons are referred in the same manner as in the case of first priority list to the appropriate committee within a period of three months from the issue of this letter.

The consideration of cases arising after the 18th July, 1964 will be taken up under the normal circumstances, but it would be necessary to initiate all cases one year ahead from the date on which a person will complete either of the two stages. All cases shall be initiated when a person has completed twenty-four years of service qualifying him for pension or has attained the age of fifty-four years. The appropriate authority shall submit such cases with relevant record and its recommendations to the appropriate committee within a period of one month from the said dates.

7. *Functions of the Appropriate Committees*—The Governor of West Pakistan has constituted the appropriate committees mentioned in the Notification at Annexure II. The jurisdiction of these Committees is also shown in the Annexure. The Chairman of the Committee shall appoint one of his subordinate officers as Secretary. In any case, where an Appropriate Authority is a member of the Appropriate Committee, a substitute Member shall be co-opted by the Chairman. On receipt of the case from the Appropriate Authority, the Committee shall examine each case. If it is of the opinion that further usefulness in Government service of a person is established, the case shall be dropped and the Appropriate Authority shall be informed accordingly under Rule 4 (5). But in a case in which the Appropriate Committee is of the view that the person should

be retired, it shall serve a notice on the person directly, instead of issuing a notice through the Appropriate Authority, for hearing him. It shall then frame its final views and if on hearing the person it considers that he need not be retired then the case shall be dropped. But if it is of the view that the person should be retired, then in the case of officers, who are within the purview of the Commission, the case shall be referred to the West Pakistan Public Service Commission, It is requested that this may kindly be done within a period of two months in cases falling within the first and second priority lists.

The cases which do not fall within the purview of the Public Service Commission shall be referred within a period of two months from the receipt of the case directly by the Committee to the delegate appointed for this purpose in accordance with the Notification at Annexure III.

The authority for taking a final decision about the retirement of a person at either of the two stages vests in the Governor of West Pakistan or the delegate to whom the cases shall be referred in accordance with the prescribed procedure. The order passed by the Governor or the delegate shall become operative on completion of twenty-five years of qualifying service or fifty-fifth year of age or on such later date as may be determined by the Governor or the delegate. The rules envisage retirement and consequently in the order to be passed under rule 6 the expression "compulsory retirement" should not be used.

8. *Appeal and Review*—A provision has been made in rule 9 for filing an appeal against the order passed by the delegate. Appeals are to be heard by the Appellate Authorities for major penalties such as dismissal reduction in rank etc., under the Delegation of Powers Rules. These authorities are also requested to ensure that such cases are given top priority and that the decision is taken before the time limit fixed under these Rules.

A review has also been provided in those cases where the original order has been passed by the Governor. A time limit of fifteen days has been prescribed for filing appeal or review. It should be strictly adhered to.

I am to request that these instructions may kindly be implemented with due care and speed.

(S&GA Dept: letter
No. SOXII (S&GAD)-4-19/62,
dated 20-7-63).

ANNEXURE I

GOVERNMENT OF WEST PAKISTAN SERVICES AND GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

No. SOXII (S&GAD)-4-19/62, dated 20-7-63.

In exercise of the powers conferred by clause (c) of sub-rule (2) of Rule 1 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, the Governor of West Pakistan is pleased to direct that these Rules shall not apply to the employees of the Pakistan Western Railway.

ANNEXURE II

GOVERNMENT OF WEST PAKISTAN
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

No. SOXII (S&GAD)-4-19/62, dated 20-7-63

In exercise of the powers conferred by sub-rule (1) of rule 4 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, the Governor of West Pakistan is pleased to constitute the following committees:—

Serial No.	Members of the Committee	Category of holders of the posts to be reviewed by the Committee	REMARKS
1	2	3	4
		Committee No. 1	
1	Chief Secretary (Chairman).	Secretaries to Government and officers of equivalent or higher rank belonging to services other than an All Pakistan Service.	Substitute Member shall be co-opted for any specific case by the Chairman (and where the Chairman himself is the appropriate authority, by the other two members) where appropriate authority is a Member or the Chairman of the Committee.
2	Senior most Member of the Board of Revenue.		
3	Additional Chief Secretary, Planning and Development.		
		Committee No. 2	
1	Additional Chief Secretary, Services and General Administration Department (Chairman).	(1) All Class I Officers of Services not included under the purview of Committee No. I. and	Ditto.
2	Home Secretary ..	(2) Section Officers of the Secretariat.	
3	Secretary to Government of West Pakistan, Irrigation and Power Department.		
		Committee No. 3	
1	Finance Secretary (Chairman).	(1) Class II and Gazetted Officers other than those mentioned under Committee No. 2 belonging to the Secretariat, Attached Departments and Secretariat Cells.	Ditto.
2	Secretary, Health ..		
3	Secretary, Irrigation and Power.		

Serial No.	Members of Committee	Category of holders or the posts to be reviewed by the Committee	REMARKS
1	2	3	4
		Committee No. 4	
1	Director of Industries (Chairman).	(1) Non-gazetted staff of the Secretariat. Attached Departments and Secretariat Cells.	Ditto.
2	Deputy Secretary (E), Services and General Administration Department.		
3	Secretary, Board of Revenue (Revenue).		
		Committee No. 5	
1	Commissioner of the Division (Chairman).	(1) All Class II Officers and Gazetted Officers of equivalent status having Headquarters within the Division and the non-gazetted staff of the Divisional and Regional offices located within the Division.	Ditto. In case of Kalat Division one of the Regional or Divisional Heads having his headquarters at Kalat will be co-opted by the Commissioner instead of Deputy Inspector-General of Police.
2	D. I. G. Police ..		
3	One of the Regional or Divisional Heads having Headquarters at the Division to be nominated by the Commissioner.		
		Committee No. 6	
1	Deputy Commissioner/ Political Agent (Chairman).	All non-Gazetted District/Agency staff not included under the purview of Committee No. 5.	Substitute Member shall be co-opted for any specific case by the Chairman (and where the Chairman himself is the appropriate authority, by the other two members) where the appropriate authority is a Member or the Chairman of the Committee.
2	Superintendent of Police and in the Agencies the Additional Political Agent and where there is no Additional Political Agent, the senior most officer from among the Assistant Political Agents/Assistant Political Officers.		
3	District Health Officer/ Agency Surgeon.		

As amended by Notifications No. SOXII (S & GAD)-4-19-C/62, dated 1-9-63, No, SOXII(S&GAD)—4-19/62, dated 25-11-63 and No. SOXII (S&GAD)—4-19/62, dated 28-11-63)

ANNEXURE III

GOVERNMENT OF WEST PAKISTAN
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

No. SOXII (S&GAD)-4-19-A/62, dated 20-7-63.

In excersie of the powers conferred by Rule 11 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, the Governor of West Pakistan is pleased to delegate his powers under the said Rules to the following persons:—

Serial No.	Name of the delegates	Cases to be decided by the delegates
1	Commissioner of the Division and the Deputy Inspector-General of Police.	All cases within the jurisdiction of Committee No. 6.—*vide* notification No. S.O. XII (S. and G.A.D.)-4-19-62, dated 20th July 1963.
2	Secretary, Education Department and Secretary, Law Department; and	All personnel within the jurisdiction of Committee No. 5.—*vide* notification No. SO. XII(S. &G.A.D) 4-19-62, dated 20th July 1963.
3	Finance Secretary and Secretary, Agriculture	All personnel within the jurisdiction of Committee No. 4.—*vide* notification No.S.O.XII(S. &G.A.D) 4-19-62, dated 20th July 1963.
4	Additional Chief Secretary, Services and General Administration Department, and Home Secretary.	All personnel within the jurisdiction of Committee No. 3.—*vide* notification No. S.O. XII (S.& G.A.D) 4-19-62, dated 20th July 1963.

(As amended by Notification No. SOXII (S&GAD)-4-19-A/62, dated 21-9-63.)

3

IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

In continuation of this department's circular No. SOXII (S&GAD)-4-19/62, dated the 20th July, 1963, I am directed to say that action under the rules mentioned above in cases of officials on deputation to other departments or autonomous corporations, local bodies, etc., shall be initiated by the appropriate authority in the lending departments concerned.

(S&GA Dept letter
No. SOXII (S&GAD) 4-15/63
dated 23-8-1963)

IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to refer to pragraph 7 of West Pakistan Government letter No. SOXII (S&GAD)-4-19/62, dated the 20th July, 1963 on the subject noted above, in which the Chairmen of the different appropriate Committees were requested to appoint one of their subordinate officers as Secretary of the Committee. It is presumed that selection of such officers has been made and their names may be immediately intimated to this Department. The Secretary of the Committee shall be responsible for proper maintenance of all the record of the Committee, drawing up the minutes of the Committee and to forward the cases to the delegates concerned. In short, he will be responsible for all the office work of the appropriate Committee. He should assign specific duties to his subordinate staff in addition to their own duties and no extra staff should be employed for this purpose.

2. It has been brought to the notice of Government that a large number of cases have not yet been forwarded by the appropriate authorities to the appropriate Committee, although all cases falling under rule 4 (1) of persons who have completed before or complete on or will complete within six months of the commencement of the rules, 25 years service qualifiying them for pension or the 55th year of age have to be reviewed within six months from the commencement of the rules. In view of this, the appropriate authorities were required to forward all such cases to the appropriate Committees by the 20th August, 1963. This time limit has been exceeded about a month. It will be appreciated that there is hardly any time to be wasted. It was only as a special measure that the cases in which a person has already crossed either of the two stages or is likely to cross these stages by the 18th January, 1964 that such cases were brought within the ambit of these rules. No further extension of time limit can be allowed. In view of this, it is of utmost importance that the various time limits fixed in the circular under reference should be strictly adhered to. It is primarily the duty of the appropriate authorities to ensure that the cases are forwarded within the prescribed time limit. The Secretary of the Committee should also be directed to pursue all defaulting appropriate authorities to submit cases immediately. In order to avoid unnecessary typing work at

the appropriate Committee stage, the appropriate authorities should also be required to submit the precis of each character roll quardruplicate so that the three members and the Secretary may use these copies during the meeting.

3. The Chairmen of the various Committees are requested to watch the progress of the cases to ensure that the work is finished within the prescribed time limit. It is requested that a monthly report of the cases received and disposed of during each month may be submitted in the attached form to this Department. The first monthly report pertaining to September should reach this Department by the 7th of October 1963.

4. It is requested that the meetings of the appropriate Committees should be convened immediately and the work may be finished by convening the meetings from day to day.

5. The appropriate authorities should satisfy themselves that the 25 years service qualifying for pension has been completed in each case forwarded to the appropriate Committee. The calculation of this period on the basis of entry into service will not be sufficient guide. Only the service which qualifies a person for pension has to be counted for this purposes. It is requested that this point may also be kept in view while forwarding cases to the appropriate Committee.

(S&GA Dept letter
No. SOXII (S&GAD)-4-19/62
dated 6-9-1963)

MONTHLY PROGRESS REPORT REGARDING IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963, FOR THE MONTH OF ————196 .

Number of cases received from the appropriate authorities.	Number of cases in which appropriate authorities have been advised that the Government servant will continue.	Number of cases referred to the public Service Commission delegates for retirement.	Number of cases received from the Public Service Commission and referred to the delegates.	Number of cases received from the Delegates and communicated to the appropriate authorities.	Number of cases pending with the appropriate Committee.
1	2	3	4	5	6

Scretary

Committee No. :.

(5)

IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to say that a number of references have been received from various authorities seeking clarification about the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, and the instructions issued thereon. The issues so far raised, are given below, with the views of the Government.

1. *Clarification of Qualifying Service*—One of the stages of review is when a person is about to complete 25 years service qualifying him for pension. It was observed in paragraph 5 of this Department circular letter No. SOXII-(S&GAD)-4-19/62, dated the 6th September, 1963 that the appropriate authorities should satisfy themselves about the exact date on which a person completes 25 years service qualifying him for pension. Only the service which qualifies a person for pension has to be counted for this purposes. It has been observed by certain appropriate authorities that in the first priority cases, because of great urgency, there is hardly any time to refer to the audit office for verification of the qualifying service. In view of this, it has been decided that if the information is not readily available with the appropriate authorities, then the date of entry into service may be kept in view for referring such cases to the appropriate Committee. But when the latter makes up its mind to retire a person and issues notice for hearing him, It should endorse a copy of the notice to the appropriate authority with the remark that it should get verified the date of completing 25 years qualifying service from the audit authorities and inform the delegate. The order of retirement will be issued by the delegate after verification of the date.

2. *Non-availability of Character Rolls*—It has been brought to the notice of this Department that in several cases the character rolls are not available with the appointing authorities. It has to be appreciated that the time limit for the first priority cases is very short and the matter cannot be allowed to drift. The appropriate authorities are requested to collect the character rolls at personal level and adhere to the dates prescribed for different stages.

3. *Quorum of the Appropriate Committee*—No quorum of the appropriate Committee has been laid down. It is the

intention that all the members should attend the proceedings. The Secretary of the Committee should fix the time and date of the meeting in consultation with all the members to suit their convenience. All the members of the different Committees are requested to attend the meetings, when fixed, and give this work priority over other work.

4. *Persons whose cases have already been reviewed on the completion of 25 years qualifying Service or on the attainment of 55 years of age under any Rules*—An inquiry was addressed to this Department whether the provision in the first proviso of rule 4 (1) exempts cases already reviewed under Presidential Order No 1 of 1959. The Order covered two classes of cases, one related to proceedings against Government servants for misconduct, subversive activities and corruption, etc. Such cases are being considered under the West Pakistan Government Servants (Efficiency and Descipline) Rules, 1960. The exemption given by proviso of rule 4 (1) does not relate to this category of cases.

The second provision in the Presidential Order was made in article 6 of the Laws (Continuance in Force) Order, 1958 by Presidential Order No. 23 of 1960. According to this the cases of Government servants could be reviewed at the two stages, and the promulgation of the rules was not mandatory. If any case has been reviewed under this provision and a final decision taken, then this proviso prohibits a second review.

5. *Review of cases under Civil Services Rules*—A circular was issued by the Services and General Administration Department on the 9th August, 1960, in which all Administrative Secretaries were requested to scrutinize the record of officers in 1960-61 to determine whether a person should be retired on completing 25 years qualifying service. There are following categories of cases of this type:—

(a) when the officer was allowed to continue;

(b) when he was allowed to continue conditionally, for a specified period and his case was to be reviewed on its expiry;

(c) compulsory retirement was ordered but the orders could not be implemented and enquiries under Efficiency and Discipline Rules were started for compulsory retirement of the officer concerned.

The cases covered by category (a) clearly bar the application of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963. As regards the other two categories, no final orders have been passed in these cases and a review under these rules is necessary.

6. *Pending Departmental Inquiries*—There are following categories of pending inquiries:—

(i) those based on the record of the officer with a view to his compulsory retirement; and

(ii) other departmental inquiries involving various grounds for panalty provided in Rule 3 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960.

So far as the first category is concerned such inquiries need not be pursued any further and the case should be considered under these rules. Each case pertaining to category (ii) above, will have to be decided on its own merits. But the appropriate authorities have to bear in mind that the departmental inquiry cannot proceed against a person who is made to retire under these rules. In all such cases, the inquiries should be completed before the date of either of the two stages, which could be considered for the purpose of retirement under these rules. This would obviate the necessity of keeping a person who is under a departmental inquiry beyond any of the two stages, simply for completing the inquiry. Notwithstanding the pending departmental inquiry the review under these rules should not be deferred unless the appropriate authority is confident that the person will be awarded the punishment of dismissal, removal or recovery from his pay. While taking a final decision in such cases, it has to be kept in view that the person concerned may not get over either of the two stages, because of the departmental inquiry and may also be cleared in the pending inquiry. This would force the Government to retain an undesirable person, although he could have been made to retire under these rules. These considerations may be kept in view while deciding such cases.

7. *Interpretation of Rule* 4 (1)—The first proviso of rule 4(1) was somewhat ambiguously worded and some offices were under the impression that when a person's record has been reviewed previously, either on completing 25 years qualifying service or on attaining the age of 55 years, then

this proviso precludes altogether the review of such a person's case under these rules. In order to remove this ambiguity, the rule has been amended, and a notification in this behalf is being issued. The rules as amended makes it clear that a scrutiny at either of the two stages prescribed under the rules is not necessary only in those cases where a scrutiny at the corresponding stage has already taken place under the rules in force immediately before coming into force of these rules.

8. *Substitution of the Words "Head Office" against Committee No. 5 in column 2 by the Word "Headquarters"*— The words "Head Office" used in column 2 against Committee No. 5 have created some confusion and tend to execlude gazetted officers (such as Tahsildars, etc.) whose head offices are situated outside the Division from the jurisdiction of Committee No. 5. In view of this, the words "Head Office" are being substituted by the expression "Headquarters". A notification in this behalf is under issue. The amending notification will cover all officers who have their headquarters anywhere in a Division.

9. *Consultation by appropriate Authorities with Subordinate Authorities*—Some appropriate authorities have enquired whether they should get the advice of the subordinate authorities for making recommendations under rule 4 (2) whether the person whose case is referred to the committee is to be retained in service or not. There is no provision in the rules for consulting the subordinate authorities. The basis of the review is the entire record of the person concerned and not the opinion held by the present immediate superiors under whom he is functioning. However, the appropriate authority may keep in view that they are not required to consult the subordinate authorities under the rules. Secondly, if they do so, they are requested to keep in view the time limits fixed for making such recommendations as these have to be maintained in order to finish the work within the prescribed limit.

10. *Conflict between the advice of the Public Service Commission and the opinion of the Delegates*—It is possible that there may be difference of opinion between the delegates and the Public Service Commission. If the delegates disagree with the opinion of the Public Service Commission, then the matter shall have to go to the Governor, as prescribed under Rule 19 (2) of the West Pakistan Government Rules of Business, 1962.

11. *Can an Appropriate Authority be also a delegate?*—There is no bar in the rules for an appropriate authority acting as delegate. It would have been difficult to find officers of the requisite seniority to function as delegates for different Committees, if such a provision had been made The rights of the persons are safeguarded by providing for an appeal against the orders of the delegates.

12. *Powers of the Delegtates to retire*—A doubt has been expressed whether the delegates are competent to retire a person keeping in view the provision of Article 177 (1) (a) of the Constitution. Apart from the fact that the Delegates are generally superior in rank and status to the appointing authorities, sub-clause (a) of Clause (1) of Article 177 of the Constitution itself authorises the Governor to authorise any authority even if lower in rank and status to the appointing authority, to dismiss or remove an officer from service and it is in exercise of this constitutional power that the Delegates have been appointed.

13. *Notification regarding the appointment of third Member of Committee No. 5*—According to notification No. SOXII (S&GAD)-4-19/62, dated the 20th July, 1963 a provision has been made that one of the regional or divisional heads who have headquarters at the Division is to be nominated by the Commissioner. Such nomination may be made by the Commissioner and sent by him for notification in the official gazette. No reference to the Services and General Administration Department is necessary on this subject.

(S&GAD Dept letter
No. SOXII (S&GAD)-4-19/62,
dated 24-9-1963)

STATEMENT

RULES RELATING TO COMPULSORY RETIREMENT IN FORCE IN VARIOUS INTERGRATING UNITS.

Punjab :		Rule 5.33 of the Civil Services Rules, (Punjab) Volume II, Note. I.	Government can retire any Government servant compulsorily after he has completed 25 years qualifying service without giving any reasons.
N.W.F.P.		Rule 465-A of the Civil Service Regulations, Note I.	Same as above.
Baluchistan:	..	Do.	Same as above.
Sind :	..	Rule 254 of the Sind Civil Services Rules, Volume I (read with Rule, 165-A.)	Before retiring a Government servant compulsorily on grounds of misconduct, insolvancy or inefficiency, it is necessary that an enquiry should be held. The procedure for holding the enquiry is given in Note I to Rule 33 (read with Rule 55) of the Sind Civil Services Conduct Discipline and Appeal Rules.

Baluchistan States Union	..	No such rule was in force in this area. It is doubtful whether a Government servant formerly serving in this area can be retired compulsorily·
Bahawalpur State	Article 208 of the Bahawalpur State Civil Service Regulations	Government can compulsorily retire a Government Servant after he has completed 25 years service in the public interest. No specific provisions exist to show that a departmental inquiry or a show cause notice would be required when a Government Servant is retired compulsorily.
Khairpur State.	Rule 196 of the Khairpur State Civil Service Regulations.	Same as in the case of Bahawalpur State.

(6)

SELECTION OF TEMPORARY CHAIRMAN IN THE ABSENCE OF THE CHAIRMAN OF THE APPROPRIATE COMMITTEE

I am directed to refer to Services and General Administration Department's notification No.S.O.XII. (S&GAD)-4-19-A/62, dated the 20th July, 1963, regarding the appointment of Appropriate Committees. It has been stated in column 4 of this notification that where the Chairman himself is the appropriate authority, the other two members will co-opt a substitute member. A question has arisen as to who will preside over a meeting in which the Chairman of a Committee cannot participate in view of disability laid by second proviso of rule 4(4) of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963. It has been decided that the Chairman of the Committee will request the senior most member of the Committee to preside in his absence.

(S & GA Dept letter
No. S.O.XII (S &GAD) 4-18/63,
dated 27-9-1963)

(7)

IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to say that a provision has been made in rule 5(1) of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963 that the Appropriate Committees should give an opportunity to those Government servants about whom it is proposed to retire at any of the two stages of review. In order to facilitate the matter, a uniform notice (copy enclosed) has been devised and 1000 copies of the same have been consigned to you separately.

2. I am to request that instructions should be issued to the Secretaries of the Committees to fill these forms carefully to avoid legal complications. The second para of the notice has to be adopted in accordance with the circumtances of each case, and the portions which do not apply should be struck off. It envisages two types of cases at the two stages; firstly those persons who have already CROSSED the time limit for the stage, secondly who are about to complete the time limit. A distinction has been made in this para for the different types of cases. The Secretary of the Committee may ensure that only the appropriate portion is applied in each case.

3. An endorsement has been made to the immediate superior authority so that the persons to whom notices are served, have no difficulty in getting permission for appearing before the Committee. Secondly, it is intended to provide against any attempt to evade the service of direct notice. The endorsement to the appropriate authority regarding date of qualifying service for pension may only be made where it is needed otherwise, the notice may be endorsed for information.

(S & G A Dept letter
No. S.O.XII (S&GAD)-4-19/62
dated 4-10-63 as amended by
letter No. S.O.XII (S & GAD)-
4-19/62, dated 28-11-63).

REGISTERED A. D. GOVERNMENT OF WEST PAKISTAN

FROM

COMMITTEE NO.————————

To

————————————

————————————

NOTICE UNDER RULE 5 (1) OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

WHEREAS rule 4(1) of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963 requires that the Appropriate Authority should refer to the Appropriate Committee the case of every person who is about to complete or has completed twenty-five years of service qualifying him for pension and/or is about to completed or has attained the age of fifty five-years, for the purpose of determining the further usefulness of such person in service:

AND WHEREAS you are about to complete/have completed twenty-five years of service qualifying for pension and or are about to attain have attained the age of fifty-five years, the Appropriate authority has referred your case to this Committee to determine your futher usefulness in Government Service ;

NOW, THEREFORE, this is to require you to appear personally before the Committee on————at———— in the office of————————to explain why the Committee should not recommend that you be made to retire under the said rules.

2. Permission should be obtained by you from your immediate superior for appearance before the Committee on the aforesaid date, time and place.

3. In case you do not appear before the Committee on the date, time and place aforesaid, it shall be assumed that you do not wish to be heard by the Committee. No further opportunity will be given to you for appearance before the Committee.

4. Your appearance before the Committee in response to this notice will be treated as duty for the purpose of Travelling Allowance.

5. You have an option to see your character roll only once, either before the hearing by the Committee or when a decision has been communicated about retirement to you, before filing an appeal.

6. In case you opt for examining your character roll before the hearing by the Committee you will be allowed to

do so on the day before the actual hearing by the Committee. You can examine the whole character roll and take notes as in the case of inspection of judicial files, in the presence of an officer.

Secretary of Committee No.———

No.—————— *dated*——————

Copy forwarded to the——————————

(Appropriate Authority)

——————with the request that immediate action should be taken to get the qualifying service for pension of——— verified from the Audit Office concerned. The verified date may be communicated to the Secretary, Appropriate Committee No.—————within a fortnight.

Secretary of Committee No.——

[illegible] by the Committee [illegible]

Secretary of Committee.

[illegible]

[illegible]

Secretary of Committee.

[illegible]

EXCLUSION OF CLASS IV GOVERNMENT SERVANTS FROM THE PURVIEW OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to say that Government has decided that the cases of Class IV Government servants of the Provicial Government should not be examined under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, and a notification excluding such, servants from the purview of the said Rules has been issued, a copy of which is enclosed. If cases of persons falling under this category have already been submitted to any of the Committees, they should please be withdrawn forthwith.

(S&GA Dept letter
No. SOXII (S&GAD) 4-23/62
dated 10-10-1963)

Notification

No. SOXII (S&GAD)-4-23/62,
dated 10-10-63

In exercise of the powers conferred by clause (c) of sub-rule (2) of Rule 1 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, the Governor of West Pakistan is pleased to direct that the said rules shall not apply to Class IV Government servants of the Provincial Government.

(8)

[illegible] CLASS IV GOVERNMENT [illegible] [illegible] OF [illegible] [illegible] ACT [illegible]

[illegible] Class IV Government servants of the Punjab [illegible]

[illegible] Dept [illegible]
No. SOXII (S&GAD) 4-29/62
dated 16-10-1963

Notification

No. SOXII (S&GAD) 1-33/63
dated 11-10-63

In exercise of the powers conferred by clause (c) of sub-rule (2) of Rule 1 of the West Pakistan Government Servants (Conduct) Rules, 1964 [illegible] Class IV [illegible]

(9)

WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963—DECISION OF THE APPROPRIATE COMMITTEE TO RETAIN AN OFFICIAL

I am directed to say that according to Rule 5 (3) of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, where the Appropriate Committee considers that no action is called for against the person whose case has been examined by it, further proceedings against him shall be dropped. All Government servants concerned are aware that their cases are to be scruitnized at either of the two stages. When a decision is taken by the Appropriate Committee to drop a case, it should inform the Appropriate Authority, who in its turn should inform the Government servant that his case has been considered and it has been decided to retain him up to 55 years of age or 60 years of age, as the case may be. This may kindly be noted carefully for guidance.

(S&GA Dept letter
No. S O XII (S&GAD) 4-19/62,
dated 30-10-1963).

(10)

IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963—INSPECTION OF CHARACTER ROLLS BY OFFICIALS TO WHOM NOTICE IS ISSUED BY THE APPROPRIATE COMMITTEE

I am directed to say that Government has decided that the official to whom a notice is issued by an Appropriate Committee under rule 5 (1) of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, giving him an apportunity of being heard in person, he may be allowed to inspect his Character Roll in the presence of a responsible officer. The following procedure has been approved for this purpose :—

(1) A Government servant who has been issued a notice by the Appropriate Committee may be given an option to see his Character Roll only once, either before the hearing by the Committee or when a decision has been communicated about the retirement of the person before filing an appeal.

(2) In case an official opts for examining his character roll before the hearing by the Committee, he may be allowed to do so on the day before the actual date fixed for hearing by the Committee.

(3) The inspection of the whole Character Roll and not merely of the entries on which the notice or the Committee's recommendations are based, may be allowed. He may be permitted to take notes as in the case of inspection of judicial files.

(S&GA Dept letter
No. SOXII (S&GAD) 4-19/62,
dated 6-11-1963)

L (iv) 428—55

(11)

EXCLUSION OF CLASS IV GOVERNMENT SERVANTS FROM THE PURVIEW OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

As Foot Constables are Class IV servants they are already excluded from the purview of the Rules mentioned-above. As regards Head Constables, since no confidential reports are maintained for them, Government has decided to exclude them also and a Notification is under issue. Any cases of Head Constables which might have been submitted to any of the Appropriate Committees, may please be with drawn.

(S & G A Dept memo
No. SOXII(S & GAD) 4-23/63,
dated 21-11-63)

(12)

MEDICAL EXAMINATION UNDER THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTH USEFULNESS IN PUBLIC SERVICE) RULES, 1

I am directed to say that it has been brought to the notice of Government that certain Appropriate Committees have asked persons whose cases have been referred to them under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, to produce medical certificates of fitness. There is no provision for medical examination in these rules; The Appropriate Committees have to assess the further usefulness of Government servants only on the basis of their record.

2. It may be pointed out that the medical examination of a Government servant can be ordered under rule 7 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, by the authority at any stage on grounds of inefficiency by reason of infirmity of mind or body. It is not the function of the Appropriate Committees to order medical examination under these rules, but it is the function of the authorities under the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960. I am to request that the persons whose cases are forwarded to these Committees need not be directed to produce certificates of medical fitness.

(S&GA Dept letter
No. (SOXII (S&GAD) 4-19/62,
dated 7-12-1963)

(12)
MEDICAL EXAMINATION UNDER THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER LIMITATIONS IN PUBLIC SERVICE) RULES, 1

I am directed to say that it has been brought to the notice of Government that certain Appropriate Committees have asked persons whose cases have been referred to them under the West Pakistan Government Servants (Further Limitations in Public Service) Rules, 1963, to produce medical certificates of fitness. There is no provision for medical examination in these rules. The Appropriate Committees are to assess the further usefulness of Government servants only on the basis of their record.

2. It may be pointed out that the medical examination of a Government servant can be ordered under rule 7 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, by the authority at any stage on grounds of inefficiency by reason of infirmity of mind or body. It is not the function of the Appropriate Committees to order medical examination under these rules, but it is the function of the authorities under the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960. I am to request that the persons whose cases are forwarded to these Committees need not be directed to produce certificates of medical fitness.

(S&GA Dept letter
No. (SOXII (S&GAD) 4-12/63,
dated 7-12-1963)

(13)

In exercise of the powers conferred by clause (c) of sub-rule (2) of Rule 1 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, the Governor of West Pakitan is pleased to direct that the said rules shall not apply to Head Constables in the Police Department.

(S&GA Dept Notification
No. SOXII (S&GAD) 4-23/63,
dated 9-12-63)

IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to say that a suggestion was made by certain Delegates that the Services and General Administration Department may devise specimen form for issuing orders under Rule 6 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963 by the Delegates. This Department was of the view that it was not necessary to devise such a form. However, in deference to the wishes of the Delegates, a form has been devised which may be used, while passing orders under these rules, with necessary modifications.

(S & G A Dept letter
No. SOXII (S & GAD)-4-19/62,
dated 31-12-63).

RECOMMENDATIONS OF APPROPRIATE COMMITTEE NO——————FOR THE RETIREMENT OF MR.—— ——————————(NAME, DESIGNATION AND DEPARTMENT)

In exercise of powers under Rule 6 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, we the Delegates appointed by the Governor of West Pakistan in respect of Appropriate Committee No.— ————(No. and location of the Appropriate Committee)

(To be used where it is decided to retire a person). have considered the recommendations of the said Appropriate Committee regarding the further usefulness in service of Mr. (Name and designation) and being satisfied that he has outlived his usefulness in service, hereby direct that he should be retired on completing twenty-five years of qualifying service/fifty-five years of age

(To be used where it is decided to retain a person). have considered the recommendations of the said Appropriate Committee regarding the further usefulness in service of Mr. (Name and designation) and being satisfied that he can be usefully retained, hereby direct that he should be allowed to continue in service on completing twenty-five years of qualifying service/fifty-five years of age.

Signature of Delegate——————

Signature of Delegate——————

L (iv) 428—56

(15)

EXTENSION IN TIME LIMIT FOR SCRUTINY OF CASES FALLING IN FIRST PRIORITY UNDER THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USE FULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to refer to paragraph 5 of this Department letter No. SOXII (S& GAD)-4-19/62, dated the 20th July 1963, regarding the implementation of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, in whicl attention was drawn to the first proviso to Rule 4(1) which lays down that the case of a person, who has completed before or completes on or will complete within six months of the commencement of these Rules, 25 years of service qualifying him for pension or the 55th year of his age, may be reviewed within six months from the commencement of these Rules. It has been brought to the notice of the Government that some of the Appropriate Committees have not been able to dispose of cases pending with them and this is likely to take more time. It has, therefore, been decided to extend the time limit from six months to ten months for this category of cases.

ACTION BY THE APPROPRIATE COMMITTEE

2. It is not intended to give any further extension of time limit for this category of cases, and so it is of the utmost importance that all pending cases must be finished well before this time limit expires. The Government therefore desire that all Appropriate Committees should finish the pending cases fallng in this category within a period of two months and report compliance.

ACTION BY THE APPROPRIATE AUTHORITY

3. Some of the Appropriate Committees have brought to the notice of the Government that certain Appropriate authorities have not so far sent up the cases falling in this category. This is most unsatisfactory and would be taken notice of seroiusly. These cases were to be sent to the Appropriate Committees by the 20th of August, 1963. More than five months have passed when the first instructions were issued. All the Appropriate Authorities must, therefore furnish certificates to the Secretaries of the Appropriate Committees that all cases which were to be referred to the Committee have been scrutinized and submitted. In case there are still any pending cases, these must be submitted immediately, not later than the 25th January, 1964, in any case to the Secretary of the Appropriate Committee.

Action by the Secretary of the Appropriate Committee

4. The Secretary of the Appropriate Committee should ensure that compliance with paragraph 3 has been made by all the Appropriate Authorities with which he is concerned. He should report the position in the monthly progress report for the month of January 1964, and subsequently.

(S & GA Dept letter
No. SOXII (S&GAD)-4-19/62,
dated 13-1-1964).

(16)

IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963—QUORUM OF APPROPRIATE COMMITTEE

I am directed to say that it has been brought to the notice of Government that it is some time not possible for all the members of an Appropriate Committee to be present at the meetings of the Committee. It is expected that such meetings are fixed in consultation with the members so that they can attend the meetings. But there can sometimes be unavoidable circumtances in which all the members may not be able to be present in a meeting. On the other hand, it is essential that the work connected with these Rules should not be stopped just because of this difficulty. In order to meet this situation, an amendment has been made in Rule 4 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963 (copy enclosed), to the effect that if any member of a Committee for any reason is unable to attend the meeting of a Committee the decisions taken or recommendations made by the remaining members, provided the number of such remaining members is not less than two, shall be deemed to be decisions or recommendations made by the Committee.

(S & GA Dept letter
No. SO XII (S&GAD)-4-19/62,
dated 16-1-64).

NOTIFICATION

No, SO XII (S&GAD)-4-19/62, dated 23-12-63

In exercise of the powers conferred by clause (2) of Article 178 and Article 179 of the Constitution of the Republic of Pakistan the Governor of West Pakistan is pleased to direct that in the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, the following further amendment shall be made, namely.—

AMENDMENT

In Rule 4, after sub-rule (4), the following new sub-rule shall be added, namely:—

"(5) If any member of a Committee is for any reason unable to att end any meeting of the Committee the decisions taken or recommendations made by the remaining members provided the number of such remaining members is not less than two, shall be deemed to be decisions taken or recommendations made by the Committee."

(17)

MONTHLY PROGRESS REPORT ABOUT THE IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to refer to paragraph 3 of this Department's letter No. SOXII (S & GAD)-4-19/62, dated the 6th September, 1963, regarding the monthly progress report, and to say that the Central Government have asked for detailed information about the persons who have been retired at any of the two stages under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963. In the first instance, the information has to be furnished up to the 31st of December, 1963, and then it has to be included in each monthly progress report.

2. Keeping in view the requirement of the Central Government, the monthly progress report has been sub-divided into two parts (Appendix). First part relates to the progress of the work and the second to the details of the persons retired as a result of the review. The information in the second part relating to the period up to 31st December, 1963, may be sent to this Department immediately.

3. The columns of the monthly progress report have also been revised, keeping in view the reports so far received from the districts. It is requested that special care should be taken to fill up both parts of the report. The break-up given in part I of the report should tally with columns 3 and 8 of part I of the report.

4. I may also add that the monthly progress reports are not being received punctually from the Secretaries of the Appropriate Committees. Government cannot keep itself in touch with the work unless these reports are received by the prescribed date. I am to request that the statement should be forwarded punctually to the Services and General Administration Department by the 7th of the next month to which they relate.

(S & GA Dept letter
No. SOXII (S & GAD)-4-1/64,
dated 16-1-64).

APPENDIX

MONTHLY PROGRESS REPORT REGARDING IMPLEMENTATION OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963, FOR THE MONTH OF DECEMBER, 1963

PART I

Cases pending from the last month	Cases received during the month	Total of columns No. 1 and 2	No. of cases in which Appropriate Authorities were advised that the Government servants will continue	No. of cases referred to Public Service Commission or Delegates for retirement	No. of cases received from the Public Service Commission and referred to the Governor or the Delegates	No. of cases received from Governor/Delegate and communicated to the Committee	No. of cases pending with Committee at the end of the month
1	2	3	4	5	6	7	8

PART II

Serial No.	Name and Designation of the Government servant retired	Stage at which retired whether at 25 years of qualifying service or at 55 years of age	Cadre of Service	Date from which the retirement order takes effect	REMARKS
1	2	3	4	5	6

(18)

REQUEST FOR RETIREMENT UNDER RULE 8 OF THE WEST PAKISTAN GOVERNMENT SERVANT (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963.

I am directed to say that it has come to the notice of Government that certain Government Servants, whose cases are under review on the completion of 25 years of service qualifying them for pension, have applied for retirement under rule 8, on attaining the age of 55 years, although it will take about 8 to 10 years for them to attain this age.

2. Rule 8 gives an opportunity to a Government servant, before the assessment of his career, at any of the two stages mentioned in the rules but before the issue of orders under rule 6, to request the Appropriate Authority in writing that he be permitted to retire either with immediate effect or at any subsequent time, or at the occurrence of any subsequent event. Thus a Government servant can offer to retire either with immediate effect or at the occurrence of any subsequent event or time. But it is not mandatory for the Appropriate Authority to accept such a request. The rule gives full discretion to accept or reject the request.

3. While taking a decision on such a request, it has to be kept in view that the very purpose of the rules is not defeated by accepting the request. The scheme of the rules is that the record of a Government servant should be examined at the two stages, to determine his further usefulness in public service. But, if a Government servant makes an offer to retire on reaching the second stage which is to occur years later, he is virtually undoing the very object of the rules by a strategem devised probably to avoid a review of his case at the earlier stage. Such an offer should not be accepted by the Appropriate Authority and only a reasonable offer to retire should be accepted which involves the continuation in service of the person concerned for a short period only, say one or two months after the expiry of the stage necessitating the review. I am, therefore, to request that unreasonable requests to retire on the occurrence of a subsequent event or time should be rejected by the appointing authorities.

(S & GA Dept letter
No. SOIV (S & GAD)-4-19/62,
dated 20-2-64)

(19)

THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963—CONVEYING THE REASONS FOR RETIREMENT TO THE PERSON CONCERNED

I am directed to state that a question has arisen whether a person who is retired from service under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, should be apprised of the reasons for retiring him.

There is no specific provision in the rules entitling the person concerned to claim, as a right to know the reasons in support of the order retiring him. Generally, the reasons are based on the adverse reports contained in the Character Roll of the person concerned. According to circular No. S.O. XII (S &GAD)-4-19/62, dated the 6th November 1963, the person concerned is to be given an option to see his Character Roll either before the hearing by the Appropriate Committee or before an appeal is filed by him, after a decision retiring him has been communicated. Thus, he will know the reasons in any case.

On the other hand, according to rule 5(2), the Appropriate Committee is required to asign the reasons for retirement. These reasons have to be taken into consideration by the Governor or the delegate, as the case may be, before taking decision under rule 6. The views of the Public Service Commission have also to be taken into consideration in those cases which are within the puriview of the Commission.

In view of the above considerations, it has been decided by Government that in future:—

(1) The proceedings of the Appropriate Committee should contain brief reasons for the recommendations for retirement in each case. These reasons should be incorporated in the reference to the Public Service Commission in those cases which are within the purview of the Commission.

(2) On receipt of an order for retirement from the Governor/Delegate the Secretary of the Appropriate Committee shall inform the Appropriate Authority about this order, including the brief reasons for the retirement. The Appropriate Authority shall include the reasons in the order for retirement conveyed to the person concerned.

(S & G A Dept letter
No. SO IV (S&GAD)-4/28-64,
dated 20-3-64).

(20)

EXTENSION IN TIME LIMIT FOR SCRUTINY OF CASES FALLING IN FIRST PRIORITY UNDER THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to refer to this Department's circular letter No.S. O. XII (S &GAD)-4-19/62, dated the 13th January 1964 on the subject noted above, and to say that the Appropriate Authorities were required to submit all cases to the Appropriate Committees by the 25th January 1964 and the Appropriate Committees were required to dispose of these cases within a period of two months. It was pointed out in this letter that as special measure, the time limit for disposal of the first priority cases, was extended up to the 18th of May 1964, and all these cases had to be completed by this date.

It may be pointed out that this time limit under the Rules, is meant for reviewing the cases by all authorities from the Appropriate Committees to the Governor or the Delegates, and the communication of the orders to the persons. The final order made under Rule 6 has to be communicated to the persons concerned referred to in the first proviso to sub-rule (1) of Rule 4, before the 18th of May, 1964. It is expected that these orders are being issued by the Appropriate Committees directly to the individuals, as the orders of the Governor or the Delegates are obtained by them. In case, this is not being done so far and the intimation is sent to the Appropriate Authorities for issuing the orders, this practice should be discontinued forthwith, so that more time is not lost by correspondence between the Appropriate Committees and the Appropriate Authorities, and thereby the time limit fixed in the Rules does not get expired. It has to be ensured by the Secretaries of the Appropriate Committees that all orders are communcated to the persons who have to be retired, under registered acknowledgement due cover or by personal service before the 18th of May 1964. Of course, all consequential orders in the cases of retirement, will be issued by the Appropriate Authorities. Orders on appeals and review petitions will also be obtained by the Appropriate Authorities.

The date on which the order of retirement will become effective has to be specified under rule 7 by the Governor or the Delegates in all cases where it is proposed to retire a person. In the cases covered by first proviso to sub-rule (1) of Rule 4, an order shall be operative on such date within six months from the communication of the order, as may be specified

herein or on such date as the Governor or the Delegates may determine. It would be appreciated that in all such cases, either the period of 25 years qualifying service has expired or the person has already attained the age of 55 years. In view of this, if it is decided to retire a person, the implementation of the order should not be delayed for a longer period. Ordinarily, the Committees should suggest to the Delegates or the Governor that the person should be retired within a period of 21 days from the date, the order is communicated to him. The Governor or the Delegate has full authority to specify any date, and whatever date is specified by him, it must be included in the order communicated to the person concerned.

Government has to take a decision whether any further extension of time limit is called for relating to the cases covered by the first proviso to sub-rule (1) of Rule 4, I am to request that you may intimate to Government about the number of cases still pending with the Committees and the time, it would take to communicate the final orders to the persons concerned.

An intimation may also be sent to this Department whether all the Appropriate Authorities have sent cases covered by the first proviso to sub-rule (1) of Rule 4 to the Appropriate Committees and the necessary certificates have been obtained in accordance with paragraph 3 of the letter under reference.

It may be re-emphasised that the Government has to take a timely decision about the extension in the time limit for communicating the final orders to the persons concerned and in view of this, it is important that the reply from you should reach within a week.

(S & GA Dept letter
No. SO IV (S&GAD)-4/19-62,
dated 6-4-64).

(21)

EXTENSION IN TIME LIMIT FOR SCRUTINY OF CASES UNDER THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to refer to Services and General Administration Department's letter No. S.O. XII-(S&GAD)-4-19/62, dated the 13th January, 1964, and to say that in view of the fact that a number of Appropriate Committees have not yet communicated to the persons concerned, order for retirement at either of the two stages under Rule 7 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, it has been decided to extend the time limit for the review of pending cases under these Rules from 10 to 14 months. Notification No. S.O. IV-(S&GAD)-4/19-62 (1), dated the 7th May, 1964 (Copy enclosed) (Annexure 'A') has been issued to this effect. According to this Notification, the case of a person who has completed before or completes on or will complete within on year and two months from the promulgation of these Rules, *i.e.* up to 18th September, 1964, 25 years service qualifying him for pension and attains the 55th year of his age, may be reviewed before the 18th of September, 1964.

2. It may be reiterated that the final order about retirement of a person has to be communicated in such cases as early as possible, but not later than the 18th September, 1964. In order to achieve this target, all action beginning from the reference by an Appropriate Authority to the Appropriate Committee and the final decision by the Delegate/Governor has to be completed much before the last date. The Appropriate Authorities, Appropriate Committees, the Public Service Commission and the Delegates are particularly requested to give this work the highest priority so that the work is completed within the limitation period. As already pointed out in this Department's circular letter No. S.O.IV-(S&GAD)-4/19-62, dated the 20th February, 1964, the Secretaries of the Appropriate Committees have to issue orders of retirement to the persons concerned within the time limit.

3. I am also to point out that the review of cases under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, is not to be confined to the cases which have arisen or will arise upto the 18th of September, 1964, as already pointed out in paragraph 6 of this Departments circular letter No. S. O. XII-(S&G A D)-4-19/62, dated the 20th July, 1963. All other cases have to be taken up one year in advance and the action completed by all authorities in such

a way that the person concerned is communicated the order of retirement as far as possible at least three months before the date of completion of qualifying service or attaining the 55th year of age. The cases can be broadly divided into three categories. Those cases in which Government servants must be communicated the order of retirement before the 18th September 1964. Secondly, the Government servants whose cases will mature after the 18th September, 1964 up to the 31st of May, 1965. Thirdly, the cases which will arise after the 1st of June, 1965.

4. The time limit being of paramount importance in all these cases, it is necessary that the implementation of these Rules should be vigorously pursued by the Secretaries of the Appropriate Committees, so that the work is completed within the prescribed time limit. The cases falling in category 2 cannot also be held in abeyance but require immediate attention of all authorities. These should be forwarded by the Appropriate Authorities to the Appropriate Committees immediately. Similarly, cases of the third category should be initiated one year ahead to enable the work to be completed within the prescribed time limit. Three certificates have been prescribed for these categories to ensure that all cases are initiated in time. The certificates pertaining to category 1 and 2 should be sent to the Secretaries of the Appropriate Committees immediately by the Appropriate Authorities and the certificate about the third category should be sent every month, relating to the cases in which a person will complete twenty-five years qualifying service or attain 55 years of age, in the same month next year. The first monthly certificate should be sent to the Committee in June, 1964 about persons who will complete either of the two stages in the month of June, 1965.

5. I am to request that these instructions may kindly be followed carefully and strictly.

(S & GA Dept letter
No. SO IV (S&GAD)-4/19-62(1),
dated 13-5-64).

ANNEXURE 'A'

S&GA Dept Notification
No. SO IV (S&GAD)-4/19-62(1),
dated 7-5-64

In exercise of the powers conferred by clause (2) of Article 178 and Article 179 of the Constitution of the Islamic Republic of Pakistan, the Governor of West Pakistan is pleased to direct that in the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, the following further amendments shall be made, namely:—

AMENDMENTS

1. In rule 4—

(*a*) in the first proviso to sub-rule (1):—

(*i*) for the words "six months", the words "one year and two months" shall be substituted; and

(*ii*) for the words "ten months", the words "one year and two months" shall be substituted.

(*b*) in sub-rule (3), for the words "six months", the words "one year and two months" shall be substituted.

2. In Rule 7, in the proviso, for the words, "ten months" occurring for the first time the words "one year and two months" shall be substituted.

L (iv) 428—58

ANNEXURE 'B'

CERTIFICATE CATEGORY No. 1.

Certified that all cases of Government servants who completed or will complete 25 years qualifying service for pension or have attained or will attain the 55th year of age by the 18th September, 1964, have been forwarded to the Appropriate Committee No.——————for review under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963.

Signature of the Appropriate Authority.

CERTIFICATE CATEGORY No. 2.

Certified that all cases of Government Servants who will complete 25 years qualifying service for pension or will attain the age of 55 years from the 18th September, 1964 to 31st May, 1965, have been forwarded to the Appropriate Committee No.——————

Signature of the Appropriate Authorit y

CERTIFICATE CATEGORY No. 3.

Certified that cases of Government servants who will complete 25 years qualifying service for pension or will attain the age of 55 years during the month of—————— 1965, have been forwarded to the Appropriate Committee No.——————

Signature of the Appropriate Authority.

(22)

GRANT OF LEAVE AND PENSION TO GOVERNMENT SERVANTS RETIRED UNDER THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to state that a question has been raised as to the date from which the order of retirement will be effective and the date from which the pension will be admissible to the Government servant retired under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963. Following instructions are issued for the guidance of all concerned:—

1. The order of retirement of a Government servant issued under rule 6 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963 will be operative from the date specified in the order as required under rule 7.

2. The leave to the extent permissible under rule 10(2) will commence from the date of retirement and accordingly he will be entitled to leave salary for the period of leave.

3. Pension will be payable after the expiry of leave.

(S&GA Dept letter
No. SOIV (S&GAD)-4/38-64.
dated 17-5-64).

GRANT OF LEAVE AND PENSION TO GOVERNMENT SERVANTS RETIRED UNDER THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER DISABILITIES IN PUBLIC SERVICE) RULES, 1963

I am directed to state that a question has been raised as to whether leave on order of retirement will be effective and the date from which the pension will be admissible to the Government servant retired under the West Pakistan Government Servants (Further Disabilities in Public Service) Rules, 1963. Following instructions are issued for the guidance of all concerned:—

1. The order of retirement of a Government servant issued under rules of the West Pakistan Government Servants (Further Disabilities in Public Service) Rules, 1963 will be operative from the date specified in the order as required under rule 3.

2. The leave to the extent permissible under rule 18(2) will commence from the date of retirement and accordingly he will be entitled to leave salary for the period of leave.

3. Pension will be payable after the expiry of leave.

(S&GA Deptt. letter No. SOIV (S&GAD) 1-25-64 dated 17-5-64).

(23)

REQUEST FOR RETIREMENT UNDER RULE 8 OF THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to refer to Rule 8 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963 according to which the appointing authority may accept the request of a Government servant for permission to retire and to state that when issuing the order of retirement, it is not necessary to specify the rules in the order itself. The form mentioned in Appendix may be used for issuing order of such retirements.

(S&GA Dept letter
No. SOIV (S& GAD)-4-50/64,
dated 15-6-64).

APPENDIX

No. S. O. IV (S&GAD)-4-50/64

GOVERNMENT OF WEST PAKISTAN

SERVICES & GENERAL ADMINISTRATION DEPARTMENT

(SECTION IV)

Dated Lahore, the

NOTIFICATION/OFFICE ORDER

Mr.——————————(Designation and posting ——————————is permitted to retire from public service with immediate effect/with effect from——————, subject to such leave as may be due to him on the date of his retirement, but not exceeding the leave which could have been granted to him as leave preparatory to retirement.

(*Appointing Authority*)

(24)

CRITERIA FOR REVIEW OF CASES OF THOSE PERSONS WHO ARE ABOUT TO ATTAIN THE AGE OF 55 YEARS UNDER THE WEST PAKISTAN GOVERNMENT SERVANTS (FURTHER USEFULNESS IN PUBLIC SERVICE) RULES, 1963

I am directed to say that the West Pakistan Government have amended the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963,—*vide* notification No. S. O. IV (S&GAD)-8/12-62, dated the 10th June, 1964 (Appendix I). Its perusal will show that cases of all those persons who are about to attain the age of 55 years on or after the 19th of September, 1964, should be referred to the Appropriate Medical Board to determine the physical fitness and mental alertness of such persons. Moreover, the criteria for further usefulness of a perons whose case is reviewed at the stage of 55 years has been laid down as follows:—

(*a*) Good or unblemished record; and

(*b*) Physical fitness and mental alertness.

2. These criteria should be strictly applied by all the Authorities concerned in reviewing the cases under these Rules. The record of a person at the time of review at the stage of 55 years of age, should be good or unblemished. Persons whose record is average or below average cannot be retained in service in accordance with this criterion. Only those persons who have definitely above average record or unblemished record will be retained after attaining the age of 55 years. The physical fitness and mental alertness will be determined by the Medical Board and it is an essential factor which is to be taken into consideration when the case is being considered at the stage of 55 years of age. The ultimate decision in such cases will be taken keeping in view both the record of the person and his physical and mental state.

3. The Appropriate Committees should undertake the review of cases on the basis of the record furnished by the Appropriate Authorities without waiting for the report of the Special Medical Boards. Action can be completed where necessary, up to the stage of hearing a person under rule 5(I) to explain his position why he should not be retired. But before framing its final recommendations under rule 5(2), the report of the Special Medical Board should be taken into consideration and the case then forwarded to the Commission or the Delegate, as the case may be.

4. As regards the determination of physica l fitness and mental alertness, it has been decided by Government that Special Medical Boards should be constituted and the cases of all Government servants at the stage of 55 years of age should be referred to the Board, so that those Government servants who are found medically unfit are not allowed to continue up to the age of superannuation, namely, 60 years.

5. The Government servants to whom the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, are applicable, have been split up into the following two categories for the purpose of the abovementioned decision :—

(1) The Government servants whose cases have been reviewed under the West Pakistan Government Servants (Further usefulness in Public Service) Rules, 1963, and who have been allowed to continue beyond the age of 55 years and those who will attain the age of 55 years before the 19th September, 1964.

(2) The Government servants who will attain the age of 55 years on or after the 19th of Septmember, 1964.

6. With regard to category (I), the Government servants concerned are required to undergo a medical examination under rule 7 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960. Necessary instructions in this respect have already been issued in this Department's circular No. S.O. IV (S&GAD) 4-37/64, dated the 1st June, 1964. With regard to the Government servants falling in category (2), the Appropriate Authority is required to refer the case of the Government servant concerned to the Appropriate Medical Board, as already constituted by the Governor for a report whether such person is physically fit and mentally alert and the Appropriate Authority is required to send such report to the Appropriate Committee for reviewing his case under the Rules.

7. The composition and the jurisdiction of the special Regional Medical Boards and the Special District Medical Boards are indicated in Appendix II. All Appropriate Authorities, as defined in the West Pakistan Goverment Servants (Further Usefulness in Public Service) Rules, 1963, are requested to take following action :—

(1) A list should be prepared of Government servants who will attain the age of 55 years on or after the 19th September, 1964, and up to 31st May, 1965.

(2) The above-mentioned Government servants should be required under sub-rule (2-A) of rule 4 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, to undergo medical examination by the relevant Medical Board mentioned in Appendix II. A specimen order under this rule is enclosed in Appendix III for use by the Appropriate Authority. This action should be taken immediately so that order is issued as far as possible three months before the date of retirement of a person.

(3) A list of Government servants who will attain the age of 55 years after 31st May, 1965, should be prepared and their cases should be referred to the relevant Special Medical Board in the manner indicated above one year ahead of the date on which the Government servant concerned will attain the age of 55 years.

(4) The reference to the Appropriate Committee under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, in accordance with the procedure mentioned in circular No. S. O. IV (S&GAD)-4/19-62(1), dated the 13th May, 1964, should not be delayed merely because the report of Medical Board is not available early enough. The report of the Medical Board when received, should be sent immediately to the Appropriate Committee in continuation.

(5) A copy of the report of the Medical Board, in case it is unfavourable, should also be furnished to the Government servant concerned, and he may be informed that in case he desires, he may appeal against the result of the Special Regional/District Medical Board to the Special Provincial Medical Board, within a period of one month.

8. With regard to the standard of medical fitness and the procedure for the working of the Medical Boards, necessary instructions will be issued to the Convenors of the Medical Boards by the Health Department.

(S& GA Dept letter
No. SO IV (S&GAD)– 8/12/62,
dated 15-6-64)

APPENDIX I

No. SOIV (S & GAD)-8-12-/62

GOVERNMENT OF WEST PAKISTAN

SERVICES AND GENERAL ADMINISTRATION DEPARTMENT

(SECTION IV)

Dated Lahore, the 10th June, 1964.

NOTIFICATION

In exercise of the powers conferred by clause (2) of Article 178 and Article 179 of the Constitution of the Islamic Republic of Pakistan, the Governor of West Pakistan is pleased to direct that in the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, the following further amendments shall be made, namely:—

AMENDMENTS

1. In rule 4—

After sub-rule (2), the following new sub-rule (2-A) shall be inserted:—

"(2-A) The Appropriate Authority shall refer the case of every person, who is about to attain the age of fifty-five years on or after the 19th of September, 1964 and whose case is required to be reviewed under these rules, to the appropriate Medical Board constituted by Government for the purpose, for a report whether such person is physically fit and mentally alert and the appropriate authority shall send such report as soon as the same is received by it, to the appropriate Committee".

2. In rule 5, after sub-rule (1), the folllowing sub-rule (1-A) shall be inserted :—

"(1-A) the *criteria* for further usefulness of a person whose case is reviewed at the age of fifty-five years shall be—

(*a*) good or unblemished record ; and

(*b*) physical fitness and mental alertness".

By order of the Governor of West Pakistan

M. W. ABBASI

Chief Secretary

APPENDIX II

SPECIAL PROVINCIAL MEDICAL BOARD

Name of the Board	*Composition of the Board*	*Jurisdiction of the Board*
Special Provincial Medical Board	Secretary to Government, Health Department (Chairman) assisted by two members of the rank of Professors of a Medical College or equivalent posts, who will be selected from any Medical Institution keeping in view the place where the Medical Board has to meet.	(1) Appeals by Government Servants against the result of the Special Regional Medical Boards and the Special District Medical Boards (2) Any original case referred by Government for opinion of the Board. (3) Any case referred by Government for review of the opinion of Distric or Regional Boards.

SPECIAL REGIONAL MEDICAL BOARDS

Name of the Board	*Composition of the Board*	*Jurisdiction of the Board*
(1) Special Regional Medical Board, Peshawar.	(1) Director of Health Services, Peshawar, Convenor. (2) Professor of Medicine, Khyber Medical College. (3) Professor of Opthalmology, Khyber Medical College.	Gazetted Officers posted in the Divisions of Peshawar and Dera Ismail Khan.
(2) Special Regional Medical Board, Rawalpindi and Lahore.	(1) Director of Health Services, Lahore Region, Convenor. (2) Physician, Services Hospital. (3) Professor of Opthalmology, King Edward Medical College, Lahore.	Gazetted Officers posted in Rawalpindi and Lahore Divisions.
(3) Special Regional Medical Board, Sargodha at Lahore.	(1) Administrator, King Edward Medical College, Lahore, Convenor.	Gazetted officers posted in Sargodha Division.

Name of the Board	*Composition of the Board*	*Jurisdiction of the Board*
	(2) Professor of Medicine.	
	(3) Assistant Professor of Opthalmology, King Edward Medical College, Lahore.	
(4) Special Regional Medical Board, Multan.	(1) Director of Health Services, Multan Region, Convenor.	Gazetted Officers posted in Multan and Bahawalpur Divisions.
	(2) Professor of Medicine, Nishtar Medical College, Multan.	
	(3) Professor of Opthalmology, Nishtar Medical College, Multan.	
(5) Special Regional Medical Board, Hyderabad.	(1) Administrator, Liaquat Medical College, Convenor.	Gazetted Officers posted in Hyderabad and Khairpur Divisions.
	(2) Professor of Clinical Medicine, Liaquat Medical College.	
	(3) Professor of Opthalmology, Liaquat Medical College, Hyderabad.	

(6) Special Regional Medical Board, Karachi.	(1) Administrator, Dow Medical College, Karachi, Convenor.	Gazetted Officers posted in Karachi Division.
	(2) Professor of Medicine, Dow Medical College, Karachi.	
	(3) Professor of Surgery, Dow Medical College.	
(7) Special Regional Medical Board, Quetta.	(1) Medical Superintendent, Sandeman Civil Hospital, Quetta, Convenor.	Gazetted Officers of Quetta and Kalat Divisions.
	(2) Eye Specialist, Sandeman Civil Hospital, Quetta.	
	(3) Medical Specialist from the C. M. H., Quetta.	

SPECIAL DISTRICT MEDICAL BOARDS

Special District Medical Boards shall consist of the Medical Superintendent who will be the Convenor and the District Health Officer will be member. Their jurisdiction will be all non-gazetted officers in the districts.

APPENDIX III

No. S.O. IV (S& GAD)-8-12/62.

GOVERNMENT OF WEST PAKISTAN
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT

(SECTION IV)

Dated Lahore, the 1964

ORDER

In pursuance of sub-rule (2-A) of rule 4 of the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, Mr. ——————————

Designation and posting——————————

is hereby directed to undergo a medical examination by the Special Provincial/Regional/District Medical Board constituted by the Government of West Pakistan under Services and General Administration Department letter No. SO!V (S&GAD)-8-12/62, dated the 15th June, 1964 and to report for this purpose to the Convenor of the said Board on the date, time and place to be fixed by him.

Appropriate Authority (Designation)

No. SO IV (S&GAD)-8-12/62, dated Lahore the

A copy is forwarded to :—

(1) The Government Servant concerned.

(2) The Convenor of the Medical Board with the request that early arrangements may be made for the Medical examination of the Government Servant and a report forward to the undersigned immediately. He should fix date, time and place for the meeting of the Board and intimate the same directly by Registered Post to the Government Servant concerned.

(3) The Immediate Superior Officer of the Government Servant for information and with the request that Mr.——————————may be permitted to appear before the Special Medical Board.

Appropriate Authority (Designation)

KARACHI: PRINTED AT THE WEST PAKISTAN GOVERNMENT PRESS.
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450 – 1000/-

750 – 1500/- 1057/-